



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

240

1



THE ACTS  
OF  
THE PARLIAMENT  
OF  
WESTERN AUSTRALIA

PASSED IN THE TWO SESSIONS OF 1907,

BEING THE

THIRD AND FOURTH SESSIONS OF THE SIXTH  
PARLIAMENT OF WESTERN AUSTRALIA.

0



PERTH:

BY AUTHORITY: FRED. WM. SIMPSON, GOVERNMENT PRINTER.

1908.



Ans  
W  
122  
907

ii.

## CONTENTS.

---

	Page
Table of Short Titles of Acts ... ..	iii.
Table of Acts repealed or amended ... ..	iv.
Acts of the two Sessions of 1907 ... ..	vii.
Consolidated Act ... ..	301
Index to Statutes in force ... ..	} At end of Volume.
Table of adopted Imperial Acts ... ..	

DEC 18 1908

# TABLE OF SHORT TITLES OF ACTS.

PASSED IN THE TWO SESSIONS OF 1907.

Short Title.	Act of 1907.	Page.	Short Title.	Act of 1907.	Page.
AGRICULTURAL BANK AMENDMENT ACT, 1907 ... ..	No. 12	37	NORTH FREMANTLE MUNICIPAL TRAMWAYS ACT, 1907 ... ..	No. 25	127
APPROPRIATION ACT, 1907 ... ..	No. 17	79	PERMANENT RESERVE (SUBIACO) ...	No. 11	35
BRANDS AMENDMENT ACT, 1907 ...	No. 14	41	POLICE ACT AMENDMENT ACT, 1907 ...	No. 10	33
CUE ROAD BOARD RATES VALIDATION	No. 28	217	PUBLIC EDUCATION AMENDMENT ACT, 1907 ... ..	No. 2	9
ELECTORAL ACT, 1907 ... ..	No. 27	141	RAILWAYS—		
EXCESS ACT, 1907 ... ..	No. 20	97	COLLIE-NARROGIN AMENDMENT ...	No. 6	21
FREMANTLE DOCK ACT, 1907 ... ..	No. 22	117	MT. MAGNET-BLACK RANGE ... ..	No. 21	113
GAME ACT AMENDMENT ACT, 1907 ...	No. 18	87	NARROGIN-WICKEPIN ... ..	No. 26	137
GOVERNMENT RAILWAYS AMENDMENT ACT, 1907 ... ..	No. 29	219	NEWCASTLE-BOLGART ... ..	No. 32	267
LAND AND INCOME TAX ACT, 1907 ...	No. 16	77	PINJARRA-MARRINUP ... ..	No. 23	119
LAND AND INCOME TAX ASSESSMENT ACT, 1907 ... ..	No. 15	45	PORT HEDLAND-MARBLE BAR ...	No. 5	17
MARINE INSURANCE ACT, 1907 ... ..	No. 33	271	WONNERUP-NANNUP ... ..	No. 24	123
MARRIAGE ACT AMENDMENT ACT, 1907	No. 7	23	REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES ACT, 1907 ... ..	No. 19	91
NAVIGATION ACT AMENDMENT ACT, 1907 ... ..	No. 9	31	RESERVE A6895, REVESTING ... ..	No. 4	15
NEDLANDS PARK TRAMWAY ACT, 1907	No. 30	225	ROADS CLOSURE ACT, 1907 ... ..	No. 13	39
			SALE OF GOVERNMENT PROPERTY ACT, 1907 ... ..	No. 8	27
			STATE CHILDREN ACT, 1907 ... ..	No. 31	231
			STATISTICS ACT, 1907 ... ..	No. 3	11
			SUPPLY ACT, 1907 ... ..	No. 1	1

## A TABLE OF ACTS AFFECTED BY THE ACTS OF 1907.

PREVIOUS ENACTMENTS AFFECTED.		HOW AFFECTED.	By what Act of 1907.
19 Geo. 2, c. 37. ...	An Act to regulate insurance on ships belonging to the subjects of Great Britain, and on merchandizes or effects laden thereon	<i>Repealed</i> ... ..	No. 33
28 Geo. 3, c. 56 ...	An Act to repeal an Act made in the twenty-fifth year of the reign of His present Majesty, intituled "An Act for regulating Insurances on Ships, and on goods, merchandizes, or effects," and for substituting other provisions for the like purpose in lieu thereof	<i>Repealed</i> so far as it relates to marine insurance	No. 33
35 Vict., No. 14 ...	The Elementary Education Act, 1871	Section 21 <i>repealed</i> ... ..	No. 2
38 Vict., No. 11 ...	The Industrial Schools Act, 1874 ...	<i>Repealed</i> ... ..	No. 31
41 Vict., No. 7 ...	The Industrial Schools Act, 1874, Amendment Act, 1877	<i>Repealed</i> ... ..	No. 31
41 Vict., No. 11 ...	The Elementary Education Act, 1871, Amendment Act, 1877	See 3 <i>Repealed</i> ... ..	No. 2
46 Vict., No. 18 ...	The Brands Act, 1881, Amendment Act, 1882	<i>Repealed</i> ... ..	No. 14
46 Vict., No. 20 ...	The Industrial Schools Act Amendment Act, 1882	<i>Repealed</i> ... ..	No. 31
56 Vict., No. 5 ...	The Industrial and Reformatory Schools Act of 1893	<i>Repealed</i> ... ..	No. 31
58 Vict., No. 11 ...	The Marriage Act, 1894 ... ..	Section 14 <i>repealed</i> ... .. Sections 6, 7, 8, 27, and 28 <i>amended</i> Sections 12 and 16 <i>repealed</i> and new sections substituted	No. 7
58 Vict., No. 16 ...	The Births, Deaths, and Marriages Act, 1894	Sections 3, 19, 21, and 34 <i>amended</i> ... Sections 6, 13, 22, 25, and 36 <i>repealed</i> and new sections substituted	No. 19
61 Vict., No. 26 ...	The Industrial Statistics Act, 1897 ...	<i>Repealed</i> ... ..	No. 3
62 Vict., No. 23 ...	The Marriage Act, 1894, Amendment Act, 1898	Sections 2 and 3 <i>repealed</i> ... ..	No. 7
62 Vict., No. 24 ...	The Health Act, 1898 ... ..	Part VII. <i>repealed</i> ... ..	No. 31
63 Vict., No. 3 ...	The Public Education Act, 1899 ...	Section 6 <i>repealed</i> ... ..	No. 2

A TABLE OF ACTS AFFECTED BY THE ACTS OF 1907—*continued*.

PREVIOUS ENACTMENTS AFFECTED.		HOW AFFECTED.	By what Act of 1907.
63 Vict., No. 19 ...	The Constitution Acts Amendment Act, 1899	Sections 26, 27, 28, 29, and 30 <i>repealed</i>	No. 27
64 Vict., No. 33 ...	An Act to allow Kangaroos to be taken for Food during a Close Season and on Native Game Reserves	<i>Repealed</i> ... ..	No. 18
2 Edw. VII., No. 31	The Police Act Amendment Act, 1902	Sections 2, 3, 4, 5, and 6 <i>amended</i> ...	No. 10
No. 20 of 1904 ...	The Electoral Act, 1904 ... ..	<i>Repealed</i> ... ..	No. 27
No. 23 of 1904 ...	The Government Railways Act, 1904	Sections 10, 22, 23, 40, 45, 59, 71, 73, and 74 <i>amended</i> Sections 70 and 77 <i>repealed</i> and new sections substituted	No. 29
No. 29 of 1904 ...	The Industrial Statistics Amendment Act, 1904	<i>Repealed</i> ... ..	No. 3
No. 59 of 1904 ...	The Navigation Act, 1904 ... ..	Section 2 <i>amended</i> ... ..	No. 9
No. 61 of 1904 ...	The Brands Act, 1904 ... ..	<i>Amended</i> , etc., as set forth in consolidation on page 301	No. 14
No. 6 of 1905 ...	The Public Education Amendment Act, 1905	<i>Repealed</i> ... ..	No. 2
No. 15 of 1906 ...	The Agricultural Bank Act, 1906 ...	Section 16 <i>amended</i> ... ..	No. 12



---

ACTS  
OF THE  
TWO SESSIONS OF 1907.

7<sup>th</sup> EDWARD VII.

---



# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

I.

\*\*\*\*\*

No. 1 of 1907.

AN ACT to apply out of the Consolidated Revenue Fund and from Moneys to Credit of the General Loan Fund the sum of Six Hundred and Thirty-nine Thousand Three Hundred and Three Pounds to the Service of the Year ending 30th June, 1908.

[Assented to 30th July, 1907.]

MOST GRACIOUS SOVEREIGN,—

**W**E, Your Majesty's Most Dutiful and Loyal Subjects, the Preamble.  
Members of the Legislative Assembly of Western Australia, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do, therefore, most humbly beseech

Your

Digitized by Google



Your Majesty that it may be enacted: And be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Issue and application of £639,308.

1. There shall and may be issued and applied for or towards making good the supply granted to His Majesty for the service of the year from 1st July, 1907, to 30th June, 1908, the Sum of Four Hundred and Forty-one Thousand Five Hundred and Thirteen Pounds out of the Consolidated Revenue Fund, for the purposes and services set forth in Schedule A, and One Hundred and Ninety-seven Thousand Seven Hundred and Ninety Pounds from moneys to credit of the General Loan Fund, for the purposes and services expressed in Schedule B; and the Treasurer of Western Australia is hereby authorised and empowered to issue and apply the moneys authorised to be issued and applied.

Sums available for purposes voted by the Legislative Assembly.

2. The said sums shall be available to satisfy the warrants under the hand of the Governor, under the provisions of the law now in force, in respect of any Services voted by the Legislative Assembly during the financial year ending 30th June, 1908.

## Schedule A.

HIS EXCELLENCY THE GOVERNOR.						£	s.	d.	£	s.	d.
<b>Division No. 2.</b>											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	125	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	67	0	0	192	0	0
<b>EXECUTIVE COUNCIL.</b>											
<b>Division No. 3.</b>											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	13	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	6	0	0	19	0	0
<b>LEGISLATIVE COUNCIL.</b>											
<b>Division No. 4.</b>											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	338	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	23	0	0	361	0	0
<b>LEGISLATIVE ASSEMBLY.</b>											
<b>Division No. 5.</b>											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	834	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	96	0	0	930	0	0
<b>JOINT HOUSES OF PARLIAMENT.</b>											
<b>Division No. 6.</b>											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	278	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	467	0	0	745	0	0
<b>PREMIER'S DEPARTMENT.</b>											
<b>Division No. 7.</b>											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	105	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	63	0	0	168	0	0
<b>LANDS AND SURVEYS.</b>											
<b>Division No. 8.</b>											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	8,909	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	9,696	0	0	18,605	0	0
<b>WOODS AND FORESTS.</b>											
<b>Division No. 9.</b>											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	645	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	300	0	0	945	0	0
<b>TREASURY.</b>											
<b>Division No. 10.</b>											
Sub-Divisions Nos. 1-2—Salaries ...	...	...	...	...	...	1,392	0	0			
Do. Nos. 3-4—Contingencies ...	...	...	...	...	...	651	0	0	2,043	0	0
<b>TAXATION.</b>											
<b>Division No. 11.</b>											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	458	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	42	0	0	500	0	0
Carried forward ...									24,508	0	0

						£	s.	d.	£	s.	d.
Brought forward						...			24,508	0	0
AUDIT.											
Division No. 13.											
Sub-Division No. 1—Salaries						1,103	0	0			
Do. No. 2—Contingencies						167	0	0	1,270	0	0
COMPASSIONATE ALLOWANCES.											
Division No. 14.											
Sub-Division No. 1—Sundry Allowances						...			76	0	0
GENERAL STORES.											
Division No. 15.											
Sub-Division No. 1—Salaries						292	0	0			
Do. No. 2—Contingencies						25	0	0	317	0	0
GOVERNMENT SAVINGS BANK.											
Division No. 16.											
Sub-Division No. 1—Salaries						1,738	0	0			
Do. No. 2—Contingencies						547	0	0	2,285	0	0
LITERARY AND SCIENTIFIC GRANTS.											
Division No. 17.											
Sundry Grants						...			2,188	0	0
LITHOGRAPHIC.											
Division No. 18.											
Sub-Division No. 1—Salaries						688	0	0			
Do. No. 2—Contingencies						128	0	0	816	0	0
LONDON AGENCY.											
Division No. 19.											
Sub-Division No. 1—Salaries						791	0	0			
Do. No. 2—Contingencies						250	0	0	1,041	0	0
PRINTING.											
Division No. 20.											
Sub-Division No. 1—Salaries						3,940	0	0			
Do. No. 2—Contingencies						1,367	0	0	5,307	0	0
PUBLIC SERVICE COMMISSIONER.											
Division No. 21.											
Sub-Division No. 1—Salaries						66	0	0			
Do. No. 2—Contingencies						50	0	0	116	0	0
REFUNDS.											
Division No. 22.											
Refunds						...			418	0	0
Carried forward						...			38,342	0	0

					£	s.	d.	£	s.	d.
Brought forward ... ..					...			38,342	0	0
MISCELLANEOUS.										
Division No. 23.										
Sundry Grants and Services ... ..					...			19,688	0	0
EDUCATION.										
Division No. 25.										
Sub-Divisions Nos. 1-6—Salaries ... ..					24,355	0	0	28,998	0	0
Do. Nos. 7-12—Contingencies ... ..					4,643	0	0			
MINES.										
Division No. 26.										
Sub-Divisions Nos. 1-6—Salaries ... ..					5,288	0	0	7,909	0	0
Do. Nos. 7-13—Contingencies... ..					2,621	0	0			
GEOLOGICAL SURVEY.										
Division No. 27.										
Sub-Division No. 1—Salaries ... ..					666	0	0	977	0	0
Do. No. 2—Contingencies ... ..					311	0	0			
STATE BATTERIES.										
Division No. 28.										
Sub-Division No. 1—Salaries ... ..					9,028	0	0	15,228	0	0
Do. No. 2—Contingencies ... ..					6,200	0	0			
MINES WATER SUPPLY.										
Division No. 29.										
Sub-Division No. 1—Salaries ... ..					1,138	0	0	2,721	0	0
Do. No. 2—Contingencies ... ..					1,583	0	0			
MINING SCHOOL.										
Division No. 31.										
Sub-Division No. 1—Salaries ... ..					552	0	0	798	0	0
Do. No. 2—Contingencies ... ..					246	0	0			
EXPLOSIVES AND ANALYTICAL.										
Division No. 32.										
Sub-Division No. 1—Salaries ... ..					504	0	0	675	0	0
Do. No. 2—Contingencies ... ..					171	0	0			
INSPECTION OF MACHINERY.										
Division No. 33.										
Sub-Division No. 1—Salaries ... ..					799	0	0	1,208	0	0
Do. No. 2—Contingencies ... ..					409	0	0			
Carried forward ... ..					...			116,544	0	0

	£	s.	d.	£	s.	d.
Brought forward ... ..	...			116,544	0	0
<b>RAILWAYS AND TEAMWAYS.</b>						
<b>Division No. 34.</b>						
Sub-Divisions Nos. 1-2—Salaries ... ..	150,016	0	0			
Do. Nos. 3-4—Contingencies ... ..	58,946	0	0	208,962	0	0
<b>COSSACK AND ROEBOURNE TEAMWAY.</b>						
<b>Division No. 35.</b>						
Sub-Division No. 1—Salaries ... ..	289	0	0			
Do. No. 2—Contingencies ... ..	45	0	0	334	0	0
<b>CROWN LAW OFFICES.</b>						
<b>Division No. 36.</b>						
Sub-Division No. 1—Salaries ... ..	890	0	0			
Do. No. 2—Contingencies ... ..	158	0	0	1,048	0	0
<b>ELECTORAL.</b>						
<b>Division No. 37.</b>						
Sub-Division No. 1—Salaries ... ..	413	0	0			
Do. No. 2—Contingencies ... ..	433	0	0	846	0	0
<b>LAND TITLES.</b>						
<b>Division No. 38.</b>						
Sub-Division No. 1—Salaries ... ..	1,454	0	0			
Do. No. 2—Contingencies ... ..	250	0	0	1,704	0	0
<b>STIPENDIARY MAGISTRACY.</b>						
<b>Division No. 39.</b>						
Sub-Division No. 1—Salaries ... ..	3,381	0	0			
Do. No. 2—Contingencies ... ..	1,558	0	0	4,939	0	0
<b>SUPREME COURT.</b>						
<b>Division No. 40.</b>						
Sub-Division No. 1—Salaries ... ..	1,527	0	0			
Do. No. 2—Contingencies ... ..	1,325	0	0	2,852	0	0
<b>PUBLIC WORKS AND BUILDINGS.</b>						
<b>Division No. 42.</b>						
Sub-Divisions Nos. 1-3—Salaries ... ..	2,845	0	0			
Do. Nos. 4-6—Contingencies ... ..	35,310	0	0	38,155	0	0
Carried forward ... ..	...			375,384	0	0

						£	s.	d.	£	s.	d.
Brought forward ...						...			375,884	0	0
COLONIAL SECRETARY.											
Division No. 43.											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	835	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	600	0	0	1,435	0	0
CHARITIES.											
Division No. 44.											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	758	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	5,130	0	0	5,888	0	0
FISHERIES.											
Division No. 45.											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	271	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	88	0	0	359	0	0
FRIENDLY SOCIETIES, ETC.											
Division No. 46.											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	285	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	288	0	0	573	0	0
GAOLS.											
Division No. 47.											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	2,658	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	2,938	0	0	5,596	0	0
HARBOUR AND LIGHT.											
Division No. 48.											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	1,749	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	1,421	0	0	3,170	0	0
LUNACY.											
Division No. 49.											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	1,952	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	1,967	0	0	3,919	0	0
MEDICAL AND PUBLIC HEALTH.											
Division No. 50.											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	5,065	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	8,916	0	0	13,981	0	0
OBSERVATORY.											
Division No. 51.											
Sub-Division No. 1—Salaries ...	...	...	...	...	...	447	0	0			
Do. No. 2—Contingencies ...	...	...	...	...	...	147	0	0	594	0	0
Carried forward ...						...			410,899	0	0

						£	s.	d.	£	s.	d.
	Brought forward	...	...			...			410,899	0	0
<b>POLICE.</b>											
<b>Division No. 52.</b>											
Sub-Division No. 1—Salaries	...	...	...	...	...	16,309	0	0			
Do. No. 2—Contingencies	...	...	...	...	...	4,823	0	0			
									21,132	0	0
<b>GOVERNMENT GARDENS.</b>											
<b>Division No. 53.</b>											
Sub-Division No. 1—Salaries	...	...	...	...	...	295	0	0			
Do. No. 2—Contingencies	...	...	...	...	...	142	0	0			
									437	0	0
<b>REGISTRY.</b>											
<b>Division No. 54.</b>											
Sub-Division No. 1—Salaries	...	...	...	...	...	613	0	0			
Do. No. 2—Contingencies	...	...	...	...	...	738	0	0			
									1,351	0	0
<b>AGRICULTURE.</b>											
<b>Division No. 55.</b>											
Sub-Division No. 1—Salaries	...	...	...	...	...	3,811	0	0			
Do. No. 2—Contingencies	...	...	...	...	...	3,412	0	0			
									7,223	0	0
<b>AGRICULTURAL BANK.</b>											
<b>Division No. 56.</b>											
Sub-Division No. 1—Salaries	...	...	...	...	...	363	0	0			
Do. No. 2—Contingencies	...	...	...	...	...	108	0	0			
									471	0	0
Total	...	...	...	...	...	...			£441,513	0	0

## Schedule B.

## GENERAL LOAN FUND.

								£	s.	d.
Departmental	...	...	...	...	...	...	...	9,031	0	0
Railways, etc.	...	...	...	...	...	...	...	87,290	0	0
Harbour and River Improvements	...	...	...	...	...	...	...	24,565	0	0
Water Supply and Sewerage	...	...	...	...	...	...	...	27,754	0	0
Development of Goldfields and Mineral Resources	...	...	...	...	...	...	...	15,733	0	0
Development of Agriculture	...	...	...	...	...	...	...	18,293	0	0
Roads and Bridges	...	...	...	...	...	...	...	1,007	0	0
Public Buildings	...	...	...	...	...	...	...	14,117	0	0
Total	...	...	...	...	...	...	...	£197,790	0	0

# WESTERN AUSTRALIA.



ANNO SEPTIMO

## EDWARDI SEPTIMI REGIS,

II.

\*\*\*\*\*

No. 2 of 1907.

AN ACT to further amend the Public Education Act, 1899.

[Assented to 2nd September, 1907.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Public Education Amendment Act, 1907*, and shall be read as one with the Public Education Act, 1899. Short title.

2. Unless some reasonable excuse for non-attendance is shown— Compulsory attendance.

(a.) The parent of every child of not less than six nor more than nine years of age shall, if there is a Government or efficient school within two miles of such child's residence measured by the nearest road or other reasonable means of access, cause such child to attend such school on such days as the school is open ;

(b.) Digitized by Google



- (b.) The parent of every child of not less than nine nor more than fourteen years of age shall, if there is a Government or efficient school within three miles of such child's residence measured by the nearest road or other reasonable means of access, cause such child to attend such school on the days on which the school is open ;
- (c.) The parent of every child of not less than nine nor more than fourteen years of age shall, if there is a Government or efficient school within twelve miles of such child's residence, and there is a suitable railway service whereby the distance to be travelled by the child on foot shall not exceed two miles, cause such child to attend such school on the days on which the school is open : But no railway service shall be deemed suitable which does not enable the child to leave and return to his residence between sunrise and sunset on the days on which the school is open.

Provided always, that a continuous attendance of two hours for secular instruction by any child shall count as half-a-day's attendance ; but this proviso shall not justify the absence of a child during any portion of the prescribed time for attendance, or the withdrawal of a child before the prescribed time for closing the school.

Repeal.

3. The Acts mentioned in the Schedule are hereby repealed to the extent therein stated.

#### The Schedule.

Date of Act.	Title of Act.	Extent of repeal.
35 Vict., No. 14 ...	The Elementary Education Act, 1871 ..	Section 21.
41 Vict., No. 11 ...	The Elementary Education Act, 1871, Amendment Act, 1877	Section 3.
58 Vict., No. 30 ...	The Elementary Education Act, 1871, Amendment Act, 1894	Section 2.
63 Vict., No. 3 ...	The Public Education Act, 1899 ...	Section 6.
5 Edw. VII., No. 6 ...	The Public Education Amendment Act, 1905	Section 2.

# WESTERN AUSTRALIA.



ANNO SEPTIMO

## EDWARDI SEPTIMI REGIS.

III.

\*\*\*\*\*

### No. 3 of 1907.

#### AN ACT to provide for the Collection of Statistics for Public Purposes.

[Assented to 2nd September, 1907.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Statistics Act, 1907*, and shall come into operation on a day to be fixed by proclamation. Short title and commencement.
2. The Industrial Statistics Act, 1897, is hereby repealed. Repeal.
3. In this Act, unless the contrary intention appears,—Interpretation.
  - “Factory” means any work, mill, or establishment, used for the purpose of manufacturing, treating, or preparing any article.
  - “Local Authority” means any corporation or board constituted or appointed under the authority of a Statute, and charged with the administration of moneys for any purpose of local concern.
  - “Minister” means the Minister of the Crown charged, for the time being, with the administration of this Act.
  - “Prescribed” means prescribed by this Act or by regulations made under this Act.
  - “Statistician” means the Government Statistician appointed under this Act.

Appointment of  
Statistician.

**4.** The Governor may from time to time appoint an officer to be called the Government Statistician, who shall, under the Minister, be charged with the duty of carrying into execution the provisions of this Act and the regulations.

Deputy Statistician,  
and other officers.

**5.** The Governor may from time to time appoint a Deputy Government Statistician, and such statistical agents and other officers as may be required for carrying out the provisions of this Act.

Everything in this Act appointed or authorised or required to be done or signed by the Government Statistician may, in his absence, be done or signed by the Deputy Government Statistician, and shall be as valid and effectual as if done or signed by the Government Statistician himself.

Statistical agents  
and collectors.

**6.** The Inspector or other officer in charge of every police district shall be the statistical agent for such district, and shall cause to be collected and furnished to the Statistician all such returns as may from time to time be required.

Such statistical agent may appoint any members of the police force under his control to be collectors for the whole or any parts of such district.

Statistician to take  
steps for collection  
of statistics.

**7.** It shall be the duty of the Statistician, subject to the regulations, to prepare and issue forms and instructions, and take all necessary steps for the collection of such statistics as may from time to time be required for public purposes.

Statistics to be  
collected.

**8.** The Statistician shall, subject to the regulations, collect, annually, statistics in relation to all or any of the following matters:—

- (a.) Population ;
- (b.) Immigration and emigration ;
- (c.) Vital statistics ;
- (d.) Social statistics ;
- (e.) Factories and manufacturing industries ; detailing nationality of proprietor, and number and nationality of employees ;
- (f.) Wages ;
- (g.) Employment and non-employment ;
- (h.) Imports and exports ;
- (i.) Shipping ;
- (j.) Railways and tramways ;
- (k.) Posts, telegraphs, and telephones ;
- (l.) Banking, insurance, and finance ;
- (m.) Land tenure and occupancy ;
- (n.) Agricultural, pastoral, and kindred industries ;
- (o.) Mining (including quarries) ;

- (p.) Forestry ;
- (q.) Fisheries ;
- (r.) Local government ;
- (s.) Water conservation and supply ;
- (t.) Any other prescribed matters.

9. For the purpose of enabling the statistics referred to in this Act to be collected, all prescribed persons shall, to the best of their knowledge, when required by the Statistician so to do, fill up and supply, in accordance with the instructions contained in or accompanying the prescribed form, the particulars specified in that form.

Returns to be supplied.

Penalty: Ten pounds.

10. Every person shall, to the best of his knowledge and belief, answer all questions asked him by the Statistician, or an officer duly authorised by the Statistician, necessary to obtain any information required for the purposes of any statistics authorised by this Act to be collected.

Duty of persons to answer questions.

Penalty: Ten pounds.

11. (1.) For the purpose of making any inquiries or observations necessary for the proper carrying out of this Act, the Statistician or any officer duly authorised by him may, at any time during working hours, enter any factory, and may inspect any part of it, and all plant and machinery used in connection with it, and may make such inquiries as are prescribed or allowed by the regulations.

Powers of entry and inspection.

(2.) No person shall hinder or obstruct the Statistician or any officer duly authorised by him in the execution of any power conferred by this section.

Penalty: Ten pounds.

12. If any of the returns required under this Act are not made, or are not collected, or do not reach the hands of the Statistician, or are so imperfect as to be valueless or misleading, the Statistician may direct that such returns be made or collected anew.

Statistician may require fresh returns.

13. On receiving from the Statistician notice that any local authority has failed to furnish him with any return or information required under this Act, the Colonial Treasurer may, until such return or information is furnished, withhold the payment of any subsidy which otherwise would have been payable by the Colonial Treasurer to such local authority.

Colonial Treasurer may withhold moneys when statistics not furnished.

14. The Statistician shall compile and tabulate the statistics collected pursuant to this Act, and shall publish such statistics or abstracts thereof with observations thereon.

Publication of statistics.

15. No statistical agent or collector shall refuse or neglect to do anything lawfully required of him in virtue of his office

Penalty for officers neglecting duty.

Penalty: Ten pounds.

Untrue returns by officers.

**16.** No officer shall wilfully or without lawful authority alter any document or form under this Act, or shall wilfully sign any untrue document or form.

Penalty: Fifty pounds.

Officers to observe secrecy.

**17.** No officer shall, except as allowed by this Act or the regulations, divulge the contents of any form filled up in pursuance of this Act, or any information furnished in pursuance of this Act.

Penalty: Fifty pounds.

Secrecy of returns.

**18.** No return relative to any private business made for the purposes of this Act shall, without the previous consent in writing of the person making the return, be published in such manner as may divulge the contents of such return. Nor, except for the purposes of this Act, shall any person not engaged in the collection or compilation of statistics under this Act be permitted to see any such return.

Returns not to be produced in Court.

**19.** The Statistician or other officer having the custody of returns or information obtained under this Act shall not be required by subpoena or otherwise to produce any such returns or information to any court.

Penalty for false returns or answers.

**20.** No person shall knowingly make, in any form or document filled up or supplied in pursuance of this Act, or in answer to any question asked him under the authority of this Act, any statement which is untrue in any material particular.

Penalty: Fifty pounds.

How notices may be given.

**21.** Notices required by this Act, or any regulation thereunder, may be served on any person by posting the same addressed to him at his usual place of abode or business, in a letter marked "Statistics," and proof of such posting shall be deemed *prima facie* evidence of such notice being served at the time at which, by the course of post, such letter should be delivered.

Penalties at foot of sections.

**22.** The penalty set out at the foot of any section of this Act indicates that any contravention of the section, whether by act or omission, shall be an offence against this Act, punishable upon summary conviction by a penalty not exceeding the penalty mentioned.

Authority to prosecute.

**23.** Any person authorised in writing by the Statistician in that behalf may prosecute for offences against this Act, and any penalty recovered shall be paid to the credit of the Consolidated Revenue Fund.

Regulations.

**24.** The Governor may make regulations, not inconsistent with this Act, prescribing all matters and things which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

IV.

\*\*\*\*\*

No. 4 of 1907.

AN ACT to revest Reserve No. 6895 in the Crown.

[Assented to 2nd September, 1907.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Reserve No. 6895, known as Kalgoorlie Town Lot 734 and the subject of a grant dated the twenty-ninth day of October, one thousand nine hundred and one, from the Crown to the Kalgoorlie and District Traders Gala Show Society, Incorporated, in trust for the purpose of a Recreation and Show Ground, is hereby revested in His Majesty, freed and discharged from the said trust.

Reserve 6895 re-vested in His Majesty.



# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

V.

\*\*\*\*\*

No. 5 of 1907.

AN ACT to authorise the Construction of a  
Railway from Port Hedland to Marble Bar.

[Assented to 19th September, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Port Hedland-Marble Bar* Short title.  
*Railway Act, 1907.*

2. It shall be lawful to construct and maintain a railway from Port Hedland to Marble Bar with all necessary, proper, and usual works and conveniences in connection therewith, along the line described in the Schedule to this Act. Authority to construct.

3. Notwithstanding anything contained in the Public Works Act, 1902, it shall be lawful for the Minister for Works to deviate from the line as described in such Schedule to the extent of twenty miles on either side thereof. Deviation.

4.  
Digitized by Google



Power to Governor to compulsorily purchase land within 15 miles of railway.

4. At any time after the passing of this Act, and until the expiration of twelve months from the publication of notice in the *Government Gazette* declaring the railway open for traffic, the Governor may, with the object of encouraging the cultivation and settlement of the land, compulsorily purchase any land in parcels of not less than one thousand acres, each parcel being the property of one person or two or more persons jointly or in common, and situated within fifteen miles on either side of the line of railway, and which land is certified by the Minister for Lands as suitable for closer agricultural settlement: Provided that no land shall be compulsorily purchased until the Land Purchase Board has favourably reported thereon.

Purchase money to be determined under Public Works Act, 1902.

5. On the determination by the Governor from time to time to exercise the power conferred by the last preceding section, any land within such defined limits may be taken under the Public Works Act, 1902, and the provisions of that Act shall apply, and the amount of the purchase money shall be determined as compensation is determined under that Act:

But no regard shall be had to any increased value occasioned by the railway, and the purchase money shall be assessed at the probable and reasonable price which the land, with any improvements thereon, or the estate or interest of the claimant therein, might have been expected to realise if offered for sale at the date the land was taken, and if the railway had not been constructed or authorised.

Governor may require surrender, etc., to be made.

6. Before the purchase money is paid for any land compulsorily purchased under the authority of this Act, the Governor may require the claimant to execute a surrender, conveyance, or transfer of the land to the Crown, or as the Governor may direct, free from all encumbrances.

Application of 60 Vict., No. 26.

7. All such land shall be dealt with under the provisions of the Agricultural Lands Purchase Act, 1896, and the purchase money may be paid out of any moneys authorised to be raised and expended by that Act, or as therein prescribed.

## SCHEDULE.

### PORT HEDLAND-MARBLE BAR RAILWAY.

#### DESCRIPTION OF LINE OF RAILWAY.

Commencing at a point in or near Port Hedland Townsite, and proceeding thence in a generally South-Easterly direction for about 90 miles; thence in a generally Southerly direction for about  $25\frac{1}{2}$  miles, and terminating at a point in or near Marble Bar Townsite, as more particularly delineated and coloured red on map marked P.W.D., W.A., 12857, deposited as provided for by 55 *Victoriæ*, No. 34, Section 10. Total length about  $115\frac{1}{2}$  miles.



# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

VI.

\*\*\*\*\*

No. 6 of 1907.

AN ACT to amend the Collie-Narrogin  
Railway Act, 1904.

[*Assented to 19th September, 1907.*]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Section four of the Collie-Narrogin Railway Act, 1904, is amended by inserting, after the words "open for traffic," the words "from Collie to Narrogin."

Amendment of No.  
16 of 1904, s. 4.



WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

VII.

\*\*\*\*\*

No. 7 of 1907.

AN ACT to further amend the Marriage Act, 1894.

[Assented to 10th December, 1907.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Marriage Act Amendment Act*, 1907, and shall be read as one with the Marriage Act, 1894, hereinafter referred to as the principal Act. Short title.

2. This Act shall come into operation on the first day of January, one thousand nine hundred and eight. Commencement.

3. The Acts mentioned in the Schedule are hereby repealed to the extent therein indicated. Repeal. Schedule.

4. Section four of the principal Act is hereby amended by inserting after the word "religion" the words "or other person." Amendment of 58 Vict., No. 11, s. 4.

5. Digitized by Google

Amendment of  
sec. 6.

5. Section six of the principal Act is hereby amended by striking out the words "six o'clock in the evening," and inserting the words "eight o'clock in the evening."

Amendment of  
sec. 7.

6. Section seven of the principal Act is hereby amended by striking out the words "the minister or district registrar celebrating such marriage," and inserting the words "a minister or district registrar."

Amendment of

7. Section eight of the principal Act is hereby amended by striking out the words "twenty-one years," and inserting the words "sixteen years."

Amendment of  
sec. 12.

8. Section twelve of the principal Act is hereby repealed, and the following is inserted in place thereof:—

Minister may cele-  
brate marriage after  
banns; or

12. Except by special license hereinafter mentioned, no minister shall celebrate any marriage unless and until—

(1.) The banns of such marriage have, within the three months next preceding the date of such marriage, been duly published on three Sundays in a church within the district wherein one of the parties to such marriage has resided for not less than seven days next preceding the first publication thereof, and the certificate in the prescribed form of such banns has been produced before such marriage to the celebrating minister; or

Notice posted on  
door of church, etc.;  
or

(2.) A notice, in writing, of the intention to celebrate such marriage, in the form contained in the Fifth Schedule, has, within the three months next preceding the date of such marriage, been and continued to remain for fourteen days affixed to the outside of the outer door of a church within the district wherein one of the parties to such marriage has resided for not less than seven days next preceding the affixing of such notice, and the certificate in the prescribed form has been produced before such marriage to the celebrating minister; or

Notice to district  
registrar.

(3.) The parties to such marriage have, within three months next preceding such marriage, given notice, in the form contained in the Sixth Schedule, to the district registrar of the district wherein such parties have respectively resided for not less than seven days next preceding the giving of such notice, and the respective certificates of the giving of such notice are produced to such minister before such marriage:

Provided always, that if such parties have resided in the same district for not less than seven days as aforesaid, or if one of such parties has not resided in Western Australia for seven days immediately preceding the giving of such notice, then notice as aforesaid, at the instance of one of such parties, shall be deemed to be notice on behalf of each of such parties, and the production of the certificate of such notice shall be sufficient.

**9.** Section sixteen of the principal Act is hereby repealed, and the following is inserted in place thereof:—

Amendment of sec. 16.

16. The district registrar receiving the notice in the form contained in the Sixth Schedule, signed by one of the parties to the intended marriage, shall forthwith post such original notice in a conspicuous place in his office, and a true copy thereof on the outside of the outer door of the building wherein such office is situated, where they shall remain posted for seven consecutive days; and shall also enter a true copy of such notice into a book provided for that purpose, to be called "The Marriage Notice Book;" and for every entry so made the district registrar shall charge the fee of one shilling; and such book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

Notice to be posted and entered in "Marriage Notice Book."

**10.** Section twenty-seven of the principal Act is hereby amended by striking out the words "First Schedule" and inserting the words "Second Schedule" in place thereof, and by striking out the words "and no other marriage except as hereinafter provided shall be valid for any purpose."

Amendment of s. 27.

**11.** Section twenty-eight of the principal Act is hereby amended by inserting after the word "declaration" the words "or in any notice or certificate required before solemnization, or in the registration of the marriage when solemnized."

Amendment of s. 28.

**12.** No marriage celebrated before the passing of this Act shall be avoided for any infringement of the principal Act if such marriage would not be avoided under the principal Act as amended by this Act.

Amendments to apply to existing marriages.

**13.** Every minister shall, on the first day of every month, transmit to the Registrar General a return, in the prescribed form, of all marriages celebrated by him, or stating that no marriage has been celebrated by him (as the case may be), within the State during the month last preceding.

Monthly returns.

**14.** Marriages between parties both of whom are Jews may be celebrated—

Celebration of marriages between Jews.

(1.) By a minister or other person of the Jewish religion, whose name, designation, and usual place of residence

have



have been and continue to be duly registered according to law, in the office of the Registrar General, as authorised to celebrate marriages; or

- (2.) By a district registrar in the manner provided by the principal Act for the marriage of persons by district registrars.

Sections 6 and 12 of principal Act not to apply to marriages between Jews.

**15.** The provisions of sections six and twelve of the principal Act shall not apply or extend to any marriage between parties both of whom are Jews.

Validating certain marriages.

**16.** Notwithstanding any act, usage, or custom to the contrary, no marriage heretofore celebrated by a district registrar between persons both of whom are Jews, in accordance with the provisions regulating the marriage of persons other than Jews, shall be impeachable on the ground only that such marriage was celebrated by a district registrar.

Regulations.

**17.** (1.) The Governor may make regulations,—

- (a.) For the preparation and transmission of all returns and certificates from ministers and district registrars respectively;
- (b.) Prescribing the necessary forms for all books, certificates, and documents;
- (c.) For all other matters necessary to carry out the provisions of the principal Act and of this Act.

(2.) All such regulations shall be notified in the *Government Gazette*, and shall thereupon have the force of law.

Sec. 3.

## THE SCHEDULE.

Date.	Short title.	Extent of repeal.
58 Vict., No. 11 62 Vict., No. 23	The Marriage Act, 1894 ... The Marriage Act, 1894, Amendment Act, 1898	Section 14. Sections 2 and 3.

# WESTERN AUSTRALIA.



ANNO SEPTIMO

## EDWARDI SEPTIMI REGIS,

VIII.

\*\*\*\*\*

No. 8 of 1907.

AN ACT to regulate the disposition of the proceeds of Sales of Government Property and for other purposes.

[Assented to 10th December, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Sale of Government Property Act, 1907.* Short title.

2. The proceeds of sale—

(a.) of all land, buildings, rolling stock, and other property vested in the Minister for Railways under the provisions of the Government Railways Act, 1904; and

(b.) of all other Government materials, appliances, and other chattels and structures,

if the original cost was debited to the General Loan Fund or the Consolidated Revenue Fund prior to the financial year in which the

Proceeds of sales to be credited to Government Property Sales Fund.

sale  
Digitized by Google

sale is effected, shall be placed to the credit of a trust account, to be kept at the Treasury and called the Government Property Sales Fund, hereinafter referred to as the said Fund.

Refunds, etc., to be credited to Fund.

3. All refunds of over-payments in connection with charges against the General Loan Fund, the original cost of which has been charged to the General Loan Fund, and other receipts of a like nature shall be placed to the credit of the said Fund.

Provision when moneys received in respect of damaged property.

4. Moneys received in respect of damage to Government property, the original cost of which has been charged to General Loan Fund or Consolidated Revenue Fund, shall be dealt with as follows:—

- (1.) The cost of repairing such damage shall be credited to the vote or votes or trust account to which the expenditure has been charged; and
- (2.) the balance, if any, shall be credited to the Consolidated Revenue Fund under such headings as the Treasurer may direct, except when it is connected with Railway expenditure, when it shall be credited to Railway receipts.

Payments from Fund subject to appropriation.

5. No moneys shall be paid out of the said Fund until estimates are submitted to Parliament and payment of the amounts shown therein are authorised by an Appropriation Act :

Particulars to be published.

6. Every Government department shall, on payment of the proceeds of sales to the credit of the said Fund, furnish to the Colonial Treasurer particulars of the vote or votes of the Consolidated Revenue Fund or General Loan Fund estimates to which the original cost of the property sold was debited; and a summarised statement of such particulars shall be published by the Colonial Treasurer yearly.

Whenever the original cost was charged to Capital Account, each Government department shall, in its annual statement of Capital Expenditure, take credit for all such payments.

Rents, etc., to be credited to Consolidated Revenue.

7. All rents derived from the lease of land or buildings, and all hire of rolling stock and other property dealt with otherwise than by sale, and charged to the General Loan Fund or the Consolidated Revenue Fund prior to or during any financial year, and all receipts for services rendered, shall be credited to the Consolidated Revenue Fund under such headings as the Colonial Treasurer may direct :

Provided that where the cost of work done is debited to any person, receipts on account thereof shall in the first place be credited to

to such person, and the balance (if any) shall be credited to the Consolidated Revenue Fund.

8. All proceeds of sales of any property whatsoever, the cost of which has been charged against either the General Loan Fund or the Consolidated Revenue Fund, during any current financial year, shall be credited to the votes for that year.

Disposition of proceeds of sales.

9. No provision in the Government Railways Act, 1904, or any other Act, shall affect or restrict the operation of this Act.

This Act not affected by provisions of any other Act.



# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

IX.

\*\*\*\*\*

No. 9 of 1907.

AN ACT to amend the Navigation Act, 1904.

[Assented to 10th December, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Navigation Act Amendment Act*, Short title.  
1907.

2. Section two of the Navigation Act, 1904, is hereby amended by inserting after the definition of the word "Legislature" the following: "'Machinery' includes boilers." Amendment of 1904, No. 59, s. 2.



# WESTERN AUSTRALIA.



ANNO SEPTIMO

## EDWARDI SEPTIMI REGIS.

X.

\*\*\*\*\*

No. 10 of 1907.

### AN ACT to amend the Police Act Amendment Act, 1902.

[Assented to 20th December, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Police Act Amendment Act, 1907.* Short title.
2. The Police Act Amendment Act, 1902, is hereby amended as follows:—

Amendment of  
2 Edwd. VII.,  
No. 21.

  - (a.) Section two is amended by inserting after the word "vehicle" the words "or in any boat or vessel," and by inserting after the word "gold," in subsections one and two thereof respectively, the words "or pearl."
  - (b.) Section three is amended by inserting after the word "gold," in the second and fifth lines thereof, the words "or pearl."



- (c.) Section four is amended by inserting after the word "gold" the words "or pearl."
- (d.) Section five is amended by inserting after the word "gold," in paragraphs (a.) and (b.) of subsection two, the words "or pearl."
- (e.) Section six is amended by inserting after the word "gold," in the second and fourth lines thereof, the words "or pearl," and by adding the following words:—"In this and the preceding sections of this Act the word 'pearl' includes baroque pearl and blister pearl."

# WESTERN AUSTRALIA.



ANNO SEPTIMO

## EDWARDI SEPTIMI REGIS,

XI.

\*\*\*\*\*

No. 11 of 1907.

AN ACT to enable the purpose of portion of  
Permanent Reserve numbered <sup>AA</sup>3078 to be  
changed.

[Assented to 20th December, 1907.]

BE it enacted by the King's Most Excellent Majesty, by and  
with the advice and consent of the Legislative Council  
and Legislative Assembly of Western Australia, in this present  
Parliament assembled, and by the authority of the same, as  
follows:—

1. The North-Eastern portion of permanent reserve numbered <sup>AA</sup>3078, more particularly described in the Schedule to this Act, being portion of Perth Suburban Lot 186, and now dedicated to the purpose of Public Buildings, is hereby excised from the said reserve, and is constituted public reserve number <sup>A</sup>10858 and dedicated to the purpose of a church for the Seventh Day Adventists.

Change of purpose  
of portion of  
Reserve <sup>AA</sup>3078.

THE

## THE SCHEDULE.

That portion of Perth Sub. Lot 186 containing about one rood, and bounded by lines starting from the South-East corner of Perth Sub. Lot 185 and extending South-Westward along the North-Western side of Thomas Street about two chains 24 links, thence North-Westward, at right angles thereto, to the South boundary of Sub. Lot 185 aforesaid, and thence along the latter East to the starting point.

# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XII.

\*\*\*\*\*

No. 12 of 1907.

AN ACT to amend the Agricultural Bank Act, 1906.

[Assented to 20th December, 1907.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Agricultural Bank Amendment Act*, 1907, and shall be read with the Agricultural Bank Act, 1906, hereinafter called the principal Act. Short title.

2. Section sixteen of the principal Act is hereby amended by striking out the words "one million," and inserting the words "one million five hundred thousand" in place thereof. Amendment of No. 15 of 1906, sec. 16.



# WESTERN AUSTRALIA.



ANNO SEPTIMO

## EDWARDI SEPTIMI REGIS,

XIII.

\*\*\*\*\*

No. 13 of 1907.

### AN ACT for the Closing of certain Roads and Streets or portions thereof.

[Assented to 20th December, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. All rights-of-way on and over such roads and streets or portions thereof as are described in the Schedule to this Act shall cease from the passing of this Act, and His Majesty may deal with such roads and streets or portions thereof as if the same had never been public roads and streets or portions thereof, or subject to such rights.

Closure of certain roads and streets.

## THE SCHEDULE.

## IN THE TOWN OF BOULDER.

The whole of the public streets and rights-of-way within the area bounded on the South by Clancy Street, on the East by Keegan Street, on the North by Auburn Street, and on the West by Kingsmill Street.

## IN THE TOWN OF GERALDTON.

All that portion of Fraser Street lying between the East side of Holland Street and the West side of Greenough Road; also all those portions of Dunraven, Onslow, and Keane Streets lying between the South side of Shenton Street and the North side of Back Street.

## IN THE TOWN OF GUILDFORD.

All that portion of Stirling Street bounded by lines starting from a point on the Eastern boundary of Guildford Town Lot 40 situate 6 chains 90 links from its North-East corner and extending West one chain 50 links; thence  $179^{\circ} 44' 47''$  links; thence  $80^{\circ} 16'$  one chain 52 links, and thence  $359^{\circ} 44' 21''$  and  $3/10$ th links to the starting point.

## IN THE TOWN OF KOOKYNIIE.

All that portion of a public right-of-way 25 links wide lying between Kookynie Town Lots 197 to 199, and 205 to 207.

## IN THE TOWN OF LEONORA.

All that portion of the main road from Menzies to Leonora lying within the Municipal boundaries of Leonora.

## IN THE CITY OF PERTH.

All that portion of Bellevue Terrace bounded by lines starting from a point situate  $246^{\circ} 48'$  one chain 75 links from the South-West corner of Perth Town Lot  $\frac{L}{42}$  and extending  $246^{\circ} 48'$  one chain  $22 \frac{1}{10}$ th links; thence  $17^{\circ} 19'$  one chain  $6 \frac{3}{10}$ th links; thence  $336^{\circ} 48'$  three chains  $64 \frac{3}{10}$ th links; thence  $110^{\circ} 58'$  one chain  $8 \frac{7}{10}$ th links; thence  $156^{\circ} 48'$  three chains  $44 \frac{3}{10}$ th links; and thence  $201^{\circ} 48' 35 \frac{4}{10}$ th links to the starting point.

All that portion of Small Street lying between the Western side of Lord Street and the South-Eastern side of the Railway Reserve.

## IN THE TOWN OF WAGIN.

The whole of the public street lying between Wagin Town Lots 284 and 576.

WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XIV.

\*\*\*\*\*

No. 14 of 1907.

AN ACT to amend the Brands Act, 1904.

[Assented to 20th December, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Brands Amendment Act, 1907*, Short title. and shall be read as one with the Brands Act, 1904, hereinafter referred to as the principal Act.

2. Section five of the principal Act is hereby repealed and the following inserted in lieu thereof:— Amendment of 1904, No. 61, s. 5.

5. All stock branded with a brand registered under any Act hereby repealed shall be deemed to have been duly branded under this Act, and such brand may continue to be used by the registered owner as if registered under this Act until the 31st December, 1908, but no longer, except with the permission of the Minister, and shall not be transferable except with such permission.

3. Subsection one of section six of the principal Act is hereby amended by adding the following words:— Amendment of s. 6 (1).

Provided that in the case of horses and cattle belonging to the Government, the broad arrow may be substituted for the numeral.



Provided, also, that any owner of cattle may register and use an ear-mark with respect to such cattle, in addition to the two letters and a numeral.

Amendment of s. 7. 4. Section seven of the principal Act is hereby amended by inserting after the word "cattle," in line one, the words "with or without an earmark for cattle."

Amendment of s. 12. 5. Section twelve of the principal Act is hereby repealed, and the following shall be read in place thereof:—

12. (1.) The proprietor of any sheep who is the breeder thereof may earmark the same to denote the year of its birth; such earmark (herein called an age mark) shall be made on the off ear for female sheep and on the near ear for male sheep, and shall be made during or within three months after the expiration of the year to which it relates and not other wise.

In every sixth year after the year 1905, the off ear, or the near ear, as the case may be, of all sheep lambed during the year shall be left clean, and no mark whatever shall be made thereon.

For sheep lambed every sixth year after the year 1906, and in every sixth year thereafter, the age mark shall consist of one notch on the front of the ear.

For sheep lambed every sixth year after the year 1907, and in every sixth year thereafter, the age mark shall consist of two notches on the front of the ear.

For sheep lambed in the year 1908, and in every sixth year thereafter, the age mark shall consist of three notches on the front of the ear.

For sheep lambed in the year 1909, and in every sixth year thereafter, the age mark shall consist of one notch on the back of the ear.

For sheep lambed in 1910, and in every sixth year thereafter, the age mark shall consist of two notches on the back of the ear.

(2.) Any person who makes any earmark, other than a prescribed cullmark, on the off ear of any female sheep or on the near ear of any male sheep, except as provided by this section, shall be guilty of an offence against this Act.

Amendment of s. 17. 6. Section seventeen of the principal Act is hereby amended by adding a paragraph, as follows:—

When any run is partly in Western Australia and partly in South Australia, the registrar may, on such terms and conditions as he may deem expedient, allow the use of any South Australian brand for such run, if such brand is not likely, in his opinion, to cause confusion or mislead.

7. Section eighteen of the principal Act is hereby amended by adding a paragraph, as follows:— Amendment of s. 18.

No fee shall be charged on such cancellation or on the application to register a new brand in place of the brand cancelled under this section.

8. Section twenty-seven of the principal Act is hereby repealed, and the following shall be read in place thereof:— Amendment of s. 27.

27. All earmarks shall be made by a punch or pliers only, and not otherwise; and no ear or any part thereof shall be removed, cropped, cut, sliced, or split by means of any other instrument than a punch or pliers used to make a registered earmark or a cullmark or an age mark.

9. Section forty-three of the principal Act is hereby amended by inserting after the word “sheep,” in line three, the words “and cattle.” Amendment of s. 43.

10. Section fifty of the principal Act is hereby amended by adding the following words:— Amendment of s. 50.

“or to imprisonment with or without hard labour for a period not exceeding six months.”

11. The Third Schedule of the principal Act is hereby amended by adding the following words:— Amendment of the Third Schedule.

*Application for Earmark for Cattle.*

To the Registrar of Brands.

SIR,

I (or we) enclose herewith the fee of seven shillings and sixpence, and request that you will allot and register to me (or us) an earmark for cattle as shown in the Schedule hereunder written:—

Name of Applicant.	Description of Earmark for Cattle.	Name and Address of Run.

Dated the                      day of                      , 190 .

(Signature of Applicant.)

12. The Brands Act, 1881, Amendment Act, 1882, is hereby repealed. Repeal of 46 Vict., No. 18.

13. The principal Act shall be printed by the Government Printer as amended by this Act, under the supervision of the Clerk of the Parliaments, and a reference to this Act made in the margin. Manner of showing amendments.



# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XV.

\*\*\*\*\*

No. 15 of 1907.

AN ACT to regulate the Assessment of Land  
and Income for the purposes of Taxation.

[Assented to 20th December, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and  
with the advice and consent of the Legislative Council and  
Legislative Assembly of Western Australia, in this present Parliament  
assembled, and by the authority of the same, as follows:—

## *Preliminary.*

1. This Act may be cited as the *Land and Income Tax Assessment Act, 1907.*

Short title.

N.S.W., No. 15 of  
1896, s. 1.

2. In this Act, unless the context otherwise requires,—

Interpretation.

“Agent” includes every person who, in Western Australia,  
for or on behalf of any other person outside of Western  
Australia (hereinafter called the “principal”)—

(1.) Has the control or disposal of any real or personal  
property belonging to the principal, or the control,  
receipt, or disposal of any rents, issues, or proceeds  
derived from any such property; or

(2.) Directly or indirectly, whether by sample, price-list,  
negotiation, or otherwise howsoever, sells or disposes  
of such property, or offers or exposes such property for  
sale or disposition, or solicits or procures the sale or  
disposition thereof; or

(3.)

(3.) Has the control, receipt, or disposal of any income belonging to the principal, or directly or indirectly remits the same to the principal.

“Commissioner” means the Commissioner of Taxation.

“Improved land” means land to which improvements within the meaning of this Act have been made.

“Improvements” includes houses and buildings, fencing, planting, roads made or macadamised by the owner, excavations for holding water, wells, pumps, windmills, and other apparatus for raising water, drains, ring-barking, clearing from timber, or scrub, or poison plants, or noxious weeds, or laying down in grass or pasture, and any other improvements whatsoever, the benefit of which is unexhausted at the time of valuation, but does not include any railways or tramways constructed under any Act or any provisions thereof.

“Income” includes profits, gains, rents, interest, salaries, wages, allowances, pensions, stipends, charges, and annuities.

“Income tax” means the tax or duty imposed or charged in respect of income by any Act in force for the time being as assessed under this Act, or any Act amending the same.

“Income chargeable” means the taxable amount less the deductions allowed under this Act.

“Land” includes all lands, tenements, and hereditaments, whether corporeal or incorporeal, in Western Australia, and also includes all chattel and other interests therein.

“Land tax” means the land tax imposed by any Act in force for the time being as assessed under this Act or any Act amending the same.

“Local authority” means a municipal council or road board.

“Non-resident agent” includes every person who acts as agent without having a fixed and permanent place of business or abode in Western Australia.

“Non-resident trader” includes every person who carries on business in Western Australia without having a fixed and permanent place of business in Western Australia.

“Owner,” as applied to any estate or interest in land, includes every person who is, jointly or severally, whether at law or in equity—

(a.) Entitled to land for any estate of freehold in possession ; or

(b.) Entitled to land for any leasehold estate or interest granted under the Land Act, 1898, or any amendment

amendment thereof, or under any Land Regulations thereby repealed, with or without the right to acquire the freehold ; or

- (c.) Entitled to land for any such estate or interest as aforesaid as a married woman, to her separate use, otherwise than through trustees ; or
- (d.) Who is a settlor, grantor, assignor, or transferor of land comprised in any settlement, grant, assignment, transfer, conveyance, or other instrument, not made *bona fide* ; or
- (e.) Entitled to land partly in one, and partly in another or others of the aforesaid ways ; or
- (f.) Entitled to receive, or in actual receipt, or if the land were let to a tenant, would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise.

“ Person ” includes “ company ” or any “ body corporate.”

“ Prescribed ” means prescribed by this Act or the regulations thereunder :

Provided that where, under this Act, anything is required to be done in the “ prescribed form ” it shall be sufficient if such thing be done substantially in the form so prescribed, or to the effect thereof.

“ Public notice ” means a notice inserted in the *Government Gazette* or published in any newspaper circulating in a town or district.

“ Registered ” means registered in the office of the Land Titles Office, the Registry of Deeds, the Department of Lands and Surveys, or the Department of Mines under the provision of any Act in force in Western Australia for the registration of titles to land, deeds, and other instruments.

“ Regulations ” means the regulations for the time being in force under this Act.

“ Taxpayer ” means any person liable to pay tax, whether in his own behalf or in a representative capacity, or who, whether liable to taxation or not, is by this Act required to make any return relating to land or income tax assessment.

“ This Act ” means this Act and the regulations thereunder.

“ Trustee,” in addition to every person appointed or constituted such by act of parties, order or declaration of a court, or by operation of law, includes an executor or administrator, and every person having or taking upon himself the administration or control of real or personal property affected

affected by a trust, or acting in any fiduciary capacity, or having the direction, control, or management of the real or personal property of any person under legal disability.

‘Unimproved value’ means—

- (a.) In respect of land granted in fee simple, the capital sum for which the fee simple in such land would sell under such reasonable conditions of sale as a *bona fide* seller would require assuming the actual improvements (if any) had not been made; and
- (b.) In respect of land held under contract for conditional purchase under the Land Act, 1898, or any amendment thereof or any land regulation thereby repealed, the capital sum for which the fee simple of such land would sell on the assumption that the taxpayer is the owner in fee simple, under such reasonable conditions of sale as a *bona fide* seller would require, assuming the actual improvements (if any) had not been made; and
- (c.) In respect of any land held for any leasehold estate or interest, without the right of purchase, under the Land Act, 1898, or any amendment thereof, or any land regulation thereby repealed, a sum equal to twenty times the excess of the amount of the fair annual rent at which the land would let under such reasonable conditions as a *bona fide* lessee would require, assuming the actual improvements (if any) had not been made, above the annual rent for the time being reserved by the lease, to be assessed under the Act; and until assessment, a sum equal to twenty times the amount of the annual rent reserved by the lease.

“Year of Assessment” means the financial year ending the thirtieth day of June for which the tax is imposed, and “the year next preceding the year of assessment” means the calendar year next preceding the said thirtieth day of June.

#### *Officers.*

Commissioner and officers may be appointed.  
See N.S.W., No. 15 of 1895, s. 2.  
Delegation of duties.  
*Ibid.*, s. 5.

3. The Governor may appoint a Commissioner of Taxation and such assessors and other officers as may be deemed necessary for carrying out the provisions of this Act.

4. The Commissioner may, with the approval of the Governor, delegate to any public officer such powers, duties, and functions by this Act or the regulations hereunder conferred or imposed upon him as it may be considered expedient by the Commissioner so to delegate.

5. A notification in the *Government Gazette* that any person therein named has been appointed an officer for the purposes of this Act shall be conclusive evidence of such appointment.

*Gazette notice*  
sufficient.  
*Ibid.*, s. 6.

6. Every person appointed or employed under this Act shall preserve and aid in preserving secrecy with regard to all matters that may come to his knowledge in his official capacity, and shall not communicate any such matter to any other person except in the performance of his duties under this Act.

Secrecy to be maintained.  
N.S.W., No. 15 of 1895, s. 7.

7. (1.) Every person appointed or employed under this Act shall, before acting in the execution of his office, take and subscribe, before a justice of the peace, such oath of fidelity and secrecy as may be prescribed.

Oath of fidelity and secrecy.  
*Ibid.*, s. 8.

(2.) Every person who wilfully acts in contravention of the true intent of such oath shall be liable, on conviction, to imprisonment for any term not exceeding six months, with or without hard labour.

(3.) If the person acts in the execution of his office before he has taken the prescribed oath, he shall be liable to a penalty of not less than ten and not more than one hundred pounds.

8. The Governor may, by notice in the *Government Gazette*, declare that any magistrate of a local court shall be a Court of Review within the meaning of this Act; and thereupon every Court of Review, constituted as aforesaid, shall have jurisdiction, within such limits and in such cases as the Governor may prescribe in the said notice, to hear and determine, subject to the provisions of this Act, appeals from assessments made under this Act.

Court of Review.  
*Ibid.*, s. 9.

### *Land Tax.*

9. (1.) Subject to the provisions of this Act, there shall be levied and paid to the Commissioner, for the use of His Majesty, at the times and in the manner hereinafter directed, a land tax, at such rate as Parliament shall from time to time declare and enact, per pound sterling of the assessed value of all land situate in Western Australia, and not included in the exemptions specified in section *eleven*.

Land tax.  
See *ibid.*, s. 10.

Such land tax shall be levied and paid as follows:—

By every owner of land in respect of all land of which he is such owner for every pound of the unimproved value thereof as assessed under the provisions of this Act.

In the case of an owner of several estates or parcels of land (not being a bare trustee of different estates for the benefit of different *cestuis que trust*), the aggregate of the values of such several estates or parcels shall be regarded for the purpose of taxation as if such aggregate represented the unimproved value of a single estate or parcel.

(2.) The person who, at noon on the thirty-first day of December in any year, is the owner of any land, shall, in respect of the



the land tax for the then current financial year, be deemed to be the owner of such land, and be liable to pay such tax on such land.

(3.) In the case of any owner who has not been resident in the Commonwealth of Australia during any portion of the year next preceding the year of assessment, the rate shall be increased by fifty per centum; provided that this subsection shall not apply to any person absent from the Commonwealth of Australia on the public service, or to any person who, being a resident of the Commonwealth of Australia, has obtained a permit from the Commissioner to be absent from the Commonwealth for a period not exceeding two years.

Rebate of tax on improved land.

**10.** (1.) Every owner of improved land shall, in respect of such land, be entitled to a rebate of one-half of the tax levied on the unimproved value thereof as assessed under the provisions of this Act.

(2.) Land outside the boundaries of any municipality used solely or principally for agricultural, horticultural, pastoral, or grazing purposes, or for two or more of such purposes, shall not be deemed improved within the meaning of this section unless—

(a.) Improvements have been effected to an amount equal to one pound per acre, or one-third of the unimproved value of the land, whichever amount shall be the lesser; or

(b.) The Under Secretary for Lands certifies in writing that improvements to an amount prescribed or to be prescribed by the Land Act, 1898, or any amendment thereof, or the regulations thereunder, have been effected,

and the benefit of such improvements is unexhausted:

Provided that any improvements made on any one parcel of such land shall extend to any one other parcel belonging to the same owner if such parcels of land are not a greater distance apart than ten miles, measured from the nearest boundaries.

(3.) No other land shall be deemed improved within the meaning of this section unless improvements have been effected and continue thereon to an amount not less than one-third of the unimproved value of the land, but it shall not be necessary in any case to effect improvements exceeding an amount equal to fifty pounds per foot of the main frontage thereof; and when any land is situated at the intersection of two roads or streets, one only of the frontages of such land shall be deemed the main frontage; and if any question shall arise as to which frontage is the main frontage, such question shall be determined by the Court of Review.

(4.) Every parcel of land comprised within a common boundary fence shall be deemed improved within the meaning of this section if the prescribed improvements have been effected and continue on any part thereof.

11. (1.) The lands and classes of lands hereinafter specified are exempted from assessment for taxation under this Act, viz.:—

Exemption.

See N.S.W., No. 15  
of 1895, s. 11.

- (a.) All lands owned by or on behalf of His Majesty.
- (b.) Public roads and thoroughfares; public reserves for health, recreation, or enjoyment, public parks, university endowments, cemeteries, and commons.
- (c.) All lands owned by any person or society, and occupied or used exclusively for or in connection with any public hospital (whether supported wholly or partly by grants from the Consolidated Revenue Fund or not), benevolent institution, public charitable purpose, church, chapel for public worship, or the site of a residence of a minister of religion ministering at some place of public worship, or the site of, or occupied for the purposes of, a school attached to or connected with any place of public worship, or as a mechanics' institute, or school of art; all lands the property of and belonging to any religious body, and occupied only for the purposes of such body; all lands on which is erected any municipal or State market, town hall, or municipal council chamber; and all lands owned by or vested in any municipal corporation, road board, or other statutory public body:

Provided that the exemption shall not apply to any such land which is a source of profit or gain to the users or owners thereof.

- (d.) All lands held as mining tenements within the meaning of the Mining Act, 1904.
  - (e.) All lands dedicated to, or vested in trustees and used for, zoological, agricultural, pastoral, or horticultural show purposes, or other public or scientific purposes.
- (2.) All lands the unimproved value of which does not exceed fifty pounds are exempted from assessment for taxation under this Act: But where the same person is owner of several parcels of land, this exemption shall not apply if the aggregate value of such several parcels exceeds fifty pounds.
- (3.) All improved lands outside the boundaries of any municipality used solely or principally for agricultural, horticultural, pastoral, or grazing purposes, or for two or more of such purposes, shall be assessed after deducting the sum of two hundred and fifty pounds. Such deduction shall not be made more than once in the case of an owner of several estates or parcels of land, but

in every such case the aggregate of the values of such several estates or parcels shall be regarded, for the purpose of taxation, as if such aggregate represented the unimproved value of a single estate or parcel.

(4.) All lands held under contract for conditional purchase, made before or after the commencement of this Act, under the Land Act, 1898, or any amendment thereof, are exempted from assessment for taxation under this Act for the term of five years from the date of contract, or from the date of survey in the case of land not surveyed before the date of contract: But such exemption shall only apply to taxpayers who prove to the satisfaction of the Commissioner that they do not hold legally or equitably more than one thousand acres of cultivable land or two thousand five hundred acres of grazing land, or of cultivable and grazing land mixed, as defined by the Land Act and its amendments.

Only owners of land specified in preceding section entitled to exemption.

N.Z., No. 49 of 1900, s. 17.

**12.** With respect to lands which by virtue of subsection one of the last preceding section are exempt from land tax, the following provisions shall apply:—

- (1.) The benefit of such exemption shall, in each case, be limited to the owner specified in that section, and shall not extend to any other person who is the owner of any estate or interest in the land, whether as purchaser, lessee, licensee, occupier, or otherwise howsoever; and every such person shall be liable to assessment and taxation in respect of such estate or interest.
- (2.) In the case of land owned by or vested in His Majesty on any express or implied trust, the person entitled in equity to the rents or profits of such land shall, for the purpose of assessment and taxation and to the extent to which he is so entitled, be deemed to be the owner of such land, and be liable to assessment and taxation in respect thereof.
- (3.) If such trust is in favour of any public institution or department, the Governor may from time to time make regulations prescribing the person or authority to make returns, the mode of assessment, and the funds of such institution or department out of which the tax shall be paid.

*Burden of Land Tax.—Contributions and provisions  
as to Agents and Trustees.*

Liability of co-owners.  
N.S.W., No. 15 of 1896, s. 12.

**13.** If two or more persons are owners, whether jointly or severally or otherwise, of land subject to taxation under this Act, they shall each be liable to His Majesty for the whole tax on such land; but any owner who has paid the tax may recover contribution as hereinafter provided—

Contribution.

- (1.) A person who has paid the tax in respect of any land may recover, by way of contribution, from any other person

Digitized by Google

having an estate therein a sum which bears the same proportion to the tax as the value of the estate of such other person in the unimproved value of the land bears to the whole unimproved value of the land; and a person who has paid the contribution payable in respect of an estate in land may recover as aforesaid from any person interested in such estate a sum which bears the same proportion to the amount of the contribution so paid as aforesaid as the value of the interest of such other person bears to the value of such estate.

(2.) Every person entitled to contribution in respect of land tax under this section may—

- (a.) sue for the same as money paid to the use of the person liable to contribute at his request in any court of competent jurisdiction; or
- (b.) retain the amount of such contribution out of any moneys in his hands belonging or payable to the person liable to contribute; or
- (c.) deduct the same from any moneys payable to the person liable to contribute in respect of interest or debt, or other obligation.

**14.** The value of any interest or estate subject or liable to contribution to Land Tax under this Act shall be determined, so far as practicable, by reference to the "Tables for Calculation of Values" provided by the regulations.

Rules, etc., for calculation of values.  
N.S.W., No. 15 of  
1895, s. 13.

**15.** (1.) Every agent for any owner of any land subject to land tax under this Act who may be permanently or temporarily absent from Western Australia, and every trustee of any land subject to land tax under this Act, shall be assessed respectively in respect of such land the owner of which is represented by such agent, or in respect of such land the legal estate in which is vested in such trustee, whether solely or jointly with other trustees.

Agents, trustees, etc., how chargeable.  
*Ibid.*, s. 14.

(2.) Every such agent and trustee shall, subject to the provisions of subsection *six*, be chargeable with the land tax payable in respect of such land in the same manner as if such land were his own; but he shall be assessed in respect thereof in a representative character only, and the provisions of subsection *three* of section *nine* shall apply, and each such assessment shall be kept separate and distinct from the individual assessment (if any) of such agent or trustee.

(3.) Every such agent or trustee shall be answerable for the doing of all such acts, matters, or things as would be required to be done by the owner.

(4.) Every such agent or trustee shall be subject to the same penalties or liability for any neglect, refusal, or default in respect of the obligations and requirements of this Act as the persons whom such agent or trustee represents would be subject to.

(5.) Every such agent or trustee is hereby authorised to recover from any person for whom, or on whose behalf, he is compellable to pay and has paid land tax, the amount of the land tax so paid by him, or to retain out of any money which shall come to him in his representative character so much, from time to time, as shall be sufficient to pay such land tax.

(6.) Such agent or trustee shall not be personally liable for land tax to any further or greater extent than to the amount of such funds or securities for money as are or may be in his hands, in his representative character or as trustee, or of which he shall have the controlling power, after receiving notice of such assessment as hereinbefore provided.

#### *Income Tax.*

Incomes liable to  
taxation.

See N.S.W., No. 15  
of 1895, s. 15.

**16.** (1.) Subject to the provisions of this Act and the regulations hereunder, there shall be charged, levied, collected, and paid to the Commissioner for the use of His Majesty, an income tax at such rate per pound as Parliament shall from time to time declare and enact in respect of the annual amount of all incomes exceeding two hundred pounds per annum—

- (a.) Arising or accruing to any person wheresoever residing, from any profession, trade, employment, or vocation carried on in Western Australia, whether the same is carried on by such person or on his behalf wholly or in part by any other person; or
- (b.) Arising or accruing to any person wheresoever residing, from any salary or allowance attached to or derived from any office or employment of profit in the Public Service of Western Australia, and upon every pension and allowance payable from the Consolidated Revenue Fund or any other public account; or
- (c.) Arising or accruing to any person wheresoever residing, from any kind of property, or from any other source whatsoever in Western Australia not included in the preceding paragraphs of this subsection.

(2.) Any person may in the prescribed manner deduct from his total annual income from all sources the sum of two hundred pounds, and the balance, if any, shall form the taxable amount on which the tax shall be levied.

(3.) On the income of an absentee, that is to say, a person who has not been resident in the Commonwealth of Australia during any part of the year next preceding the year of assessment, but who is not absent on the public service, the tax shall be payable at the declared rate with an additional fifty per centum for any such year.

(4.) Income shall be deemed to have accrued to a person within the meaning of this section, although the same is not actually paid over to such person, but is credited in account or re-invested or accumulated or capitalised, or carried to any reserve, sinking, or insurance fund, however designated, or otherwise dealt with in his name or interest, or on his behalf.

**17.** Whenever any person is assessed for income tax on profits derived directly during any year from the ownership of any parcel of land, or derived directly from the use or cultivation of any parcel of land, such person may claim and shall be allowed an abatement of so much of the amount payable for income tax on the profits derived from the ownership of such parcel of land, or directly from the use or cultivation thereof, as equals the amount paid by him for land tax in respect of the same parcel of land.

Concession where land and income tax assessed on the same land.

Provided that any profits derived from—

- (a.) The quarrying, digging, treatment, and sale of stone, gravel, sand, clay, guano, or soil found on such land; or
- (b.) The cutting, treatment, and sale of timber found on such land,

shall not be deemed profits derived from the ownership, use, or cultivation of such land within the meaning of this section.

**18.** All gratuities, bonuses, and premiums, whether in money, or goods, or sustenance, or land allowed, given, or granted to any person in respect of, or for, or in relation to any employment or services of such person, shall be deemed to be income of such person to the amount of the value of such use and enjoyment, gratuities, bonuses, and premiums, respectively.

Gratuities, etc., chargeable as income.  
S.A., No. 861 of 1904, s. 11.

Exemption of certain incomes.

See N.S.W., No. 15 of 1895, s. 17.

**19.** The following incomes, revenues, and funds shall be exempt from income tax:—

- (1.) The revenues of municipal corporations, road boards, or other statutory public bodies.
- (2.) The incomes of life assurance companies and of companies or societies not carrying on business for purposes of profit or gain; but this exemption shall not apply to incomes derived from interest on investments.
- (3.) The dividends and profits of the companies subject to duty under the Dividend Duties Act, 1902, or any amendment thereof.
- (4.) The dividends and profits of the Government Savings Bank and the Agricultural Bank.
- (5.) The funds and incomes of any registered friendly society or trade or industrial union.
- (6.) The incomes and revenues of all ecclesiastical, charitable, and educational institutions of a public character, whether supported wholly or partly, or not at all, by grants from the Consolidated Revenue Fund.
- (7.) The income derived or received by or on behalf of the Governor in respect of the salary and emoluments of his office.
- (8.) The income derived or received by or on behalf of any pensioner resident in Western Australia, in respect of his pension received from the Crown in Great Britain or the Government of any British possession: Provided that he satisfies the Commissioner that such pension is liable to income tax or a like tax in Great Britain or such possession, and that such tax has been duly paid.
- (9.) Income arising or accruing to any person from Western Australia Government debentures, inscribed stock, and Treasury bills.

The exemptions declared by subsections (1.) to (6.) hereof shall not extend to the salaries and wages of persons employed by any such corporation, public body, company, society, or institution, although the same are paid wholly or in part out of the income, revenues, or funds thereof.

Persons by whom income tax is payable.

See N.S.W., No. 15 of 1895, s. 18.

**20.** Subject to the provisions of this Act, income tax shall be payable—

- (1.) In respect of every incorporated company, by the public officer thereof.
- (2.) In respect of the income of every person permanently or temporarily absent from or resident out of Western Australia, by the attorney or agent of such person; and for the purposes of this Act every person in Western

Australia having the receipt, management, disposal, or control of income on behalf of any person absent or resident as aforesaid, or remitting or paying income to such person, shall be deemed to be the agent of such person. The Commissioner may, if he thinks necessary, declare any person to be the agent of any other person, and the person so declared an agent shall be the agent for the purposes of this Act.

- (3.) In respect of the income of *cestuis que trust*, infants, lunatics, or persons under any legal disability, by the trustee, guardian, committee, or other person entitled for the time being to the receipt, management, disposal, or control of such income, or remitting or paying the same.
- (4.) In respect of the stakes won in any horse race on the racecourse of the Western Australian Turf Club or any other club or company, incorporated or otherwise, registered by the Western Australian Turf Club by the secretary of such club or company; and in respect of the stakes won in any horse race on any racecourse belonging to any unregistered person by the proprietor of such racecourse.
- (5.) In respect of income paid under the decree or order of any Court or Judge to any receiver or other person, by such receiver or person, and independently of the title to such income, or any contingency or uncertainty in respect of such title.
- (6.) In respect of every other income, and in all other cases, by the person to whom the income arises or accrues or who is legally or equitably entitled to the receipt thereof.

And the persons by whom income tax is payable under subsections (1.) to (4.) of this section, inclusive, shall be deemed to be "representative taxpayers" within the meaning of this Act. Nothing in this section shall be taken to relieve the person receiving the income from the representative taxpayer from any tax due or payable in respect thereof.

**21.** Every representative taxpayer, as regards the income to which he is entitled in his representative capacity, or of which in such capacity he has the management, receipt, disposal, remittance, payment, or control, shall be chargeable with the same income tax and be subject in all respects to the same liabilities as if the same were income arising or accruing to him beneficially, except that no such taxpayer shall be personally liable for the payment of income tax beyond the amount or value of the income of which he has, in such capacity as aforesaid, the management, receipt, disposal, or control:

*Liability of representative taxpayer.*  
*Ibid.*, s. 19.

Provided that nothing herein contained shall, in cases where the representative taxpayer acts as agent or trustee for several persons, prevent



prevent such representative taxpayer from claiming that each agency or trust shall be treated separately for the purpose of claiming the exemption or abatement provided for in section *sixteen* of this Act.

Indemnity to representative taxpayer.  
N.S.W., No. 15 of  
1895, s. 20.

**22.** Every representative taxpayer who, as such, pays any tax or any sums imposed or incurred by way of fine under section *fifty-four* of this Act shall be entitled to recover from the person on whose behalf such tax or sums shall be paid, or to retain out of any moneys that may come to him in his representative capacity so much as shall be required to indemnify him in respect of such payments:

Provided that where any sum by way of fine under section *fifty-four* has been imposed or incurred through the neglect or default of the representative taxpayer, the amount of such fine shall not be chargeable against the person on whose behalf the tax shall be paid, and if deducted or retained by the representative taxpayer, shall be recoverable from him by the person so entitled as aforesaid as money received to the use of such person.

Trustees and receiver in certain cases need only give the name and residence of persons entitled to trust property.

*Ibid.*, s. 21.

**23.** No trustee who has authorised the receipt of the profits arising from trust property by the person entitled thereto or his agent, where such person or agent has actually received the same under such authority and is resident in Western Australia, and no receiver of any person being of full age and resident in Western Australia (other than a married woman, lunatic, idiot, or insane person) who makes the returns prescribed by this Act and the regulations, specifying the name and residence of such person, shall be required to do any other act for the purpose of assessing the income of such person, unless the Commissioner requires the testimony of such trustee or receiver in pursuance of this Act or the regulations.

Income tax on debentures of companies.

*Ibid.*, s. 22.

**24.** In any case where a company has at any time heretofore borrowed, or shall at any time hereafter borrow, money on debentures, such company shall be deemed to be the agent of every holder of such debentures.

Provision as to profits on imported goods.

*Ibid.*, s. 23.

**25.** (1.) Where a person or company outside Western Australia (herein termed "the principal") by means of a company registered in Western Australia or carrying on business therein, or by means of a person in Western Australia (herein termed "the agent") sells or disposes of goods in Western Australia for the principal (whether the moneys arising therefrom are paid to or received by the principal directly or otherwise), the taxable amount of the income derived therefrom by the principal shall be assessed at an amount equal to five pounds per centum upon the total amount received for such goods, and the amounts so assessed shall, for the purposes of income tax, be deemed to be income derived by the agent, and the following provision shall apply:—

The agent shall, as regards such income, make the returns, be assessed, be liable to income tax, and otherwise be subject to the

provisions of this Act, to do all acts and things thereunder as if such income was actually the income of the agent, and in the case of such agent being a company as aforesaid, the provisions of section *forty-eight* hereof shall apply: Provided that nothing herein contained shall exempt or discharge the principal from liability to pay income tax on such income, and that the agent shall have the same right to indemnity against the principal in respect of the tax paid by him as is conferred upon the representative taxpayer by section *twenty-two*.

(2.) The Governor may by regulations prescribe for the making, obtaining, adjusting, and settling returns by or with any agent in such manner and form, with such particulars and proof as may be thought fit, and for the purpose of making, completing, and enforcing assessments under this section and otherwise generally for the purpose of giving effect to the provisions hereof.

**26.** (1.) It shall not be lawful for any non-resident agent to act as agent, or for any non-resident trader to carry on business in Western Australia, unless he is the holder of a warrant in that behalf under the hand of the Commissioner.

Non-resident agents and traders to hold Commissioner's warrant.

N.Z., No. 49 of 1900, s. 12.

(2.) Every such warrant shall be in the prescribed form, and shall be issued without fee by the Commissioner on application to him in that behalf.

(3.) In all proceedings against any person for breach of this section it shall lie on the defendant to prove that he is a warrant holder.

(4.) The Commissioner may from time to time, as he thinks fit, assess any specified non-resident agent or non-resident trader for income-tax in respect of any specific transaction, or of all transactions during any specified period, and may fix the amount of the tax at the rate then last in force (if the rate of tax is not then fixed by law), and on the assumption, subject to adjustment within the prescribed time at the instance of the Commissioner or taxpayer, that the specified transaction, or, as the case may be, all the transactions during the specific period, have produced a net profit of five per centum of the gross proceeds resulting therefrom.

(5.) The tax so fixed by the Commissioner shall be payable on demand, and shall be recoverable forthwith in the same manner in all respects as in the case of income-tax in arrear, but subject to adjustment as aforesaid.

**27.** Whenever the Commissioner has reason to believe that any taxpayer establishing or carrying on business in Western Australia intends to carry on such business for a short time only, he may at any time, and from time to time, require such taxpayer to give security by way of bond or by way of deposit to the satisfaction of the Commissioner for the due assessment and payment of income tax on the profits derived from any such business.

Temporary business—Security for payment of tax.  
N.Z., reg. 1 of 1902.

Married women,  
how liable.  
N.S.W., No. 15 of  
1895, s. 26.

Taxable amount,  
how ascertained.  
See *ibid.*, s. 27.

**28.** The income of a married woman shall be liable to assessment and taxation in like manner as if she were unmarried.

**29.** For the purpose of ascertaining the sum, hereinafter termed the "taxable amount," on which (subject to the deductions hereinafter mentioned) income tax is payable, the following directions and provisions shall be observed and carried out:—

- (1.) In assessing the income tax for any year, the amount of taxable income from all sources for the year next preceding the year of assessment shall, subject to the provisions of this section, be the taxable amount for the year of assessment, and for the first year of assessment, namely the financial year ending on the thirtieth day of June, one thousand nine hundred and eight, the "preceding year" shall be the calendar year one thousand nine hundred and seven, and so on.
- (2.) In any case in which profits or moneys derived from any business have been converted into stock-in-trade, or added to the capital of, or in any way invested in such business, a complete statement of the amount of such profits or moneys so converted or added or invested shall be made by such person in the prescribed form in his returns.
- (3.) No tax shall be payable in respect of income earned outside the State of Western Australia.
- (4.) Income received by a taxpayer in respect of a share in a company liable to pay income tax or dividend duty shall be deducted from the taxable amount, but such income shall be specified by the taxpayer in the returns made by him in the prescribed manner.
- (5.) In all other cases the taxable amount shall be the total amount of taxable income arising or accruing to any person from all sources, except to the extent of the exemptions provided by section *nineteen*.
- (6.) Shillings and pence and fractions thereof shall not be included in the taxable amount.

Deductions from  
taxable amount.  
See *ibid.*, s. 28.

**30.** From the taxable amount so ascertained as aforesaid, every taxpayer shall be entitled to deductions in respect of the annual amount of—

- (1.) Losses, outgoings, and expenses actually incurred in Western Australia by the taxpayer in the production of his income; that is, income which is not exempt from income tax under section *nineteen* of this Act.
- (2.) Sums expended by the taxpayer for repairs of premises let or intended to be let to tenants.

(3.)

- (3.) Every premium or sum paid by the taxpayer on the insurance of his own life or that of his wife, or for a deferred annuity or other provision for his wife or children, or in respect of any fidelity guarantee or bond which such taxpayer is required to provide for the exercise of his profession, trade, employment, or vocation: Provided that in no case shall any deduction be allowed under this subsection beyond the sum of fifty pounds in the aggregate.
- (4.) Sums expended for repairs of premises occupied for business purposes, and for the repair or alteration of machinery, implements, utensils, and articles employed by the taxpayer for the purposes of his business. Such sums shall be estimated on the annual average of the sums expended for such purposes during the two years preceding the year of assessment, or, if such average cannot be struck, the amount to be deducted shall be the sum expended for such purposes during the year immediately preceding the year of assessment.
- (5.) Such sum as the Commissioner may think just and reasonable as representing the diminished value (*i.e.*, for the purpose for which they were intended in a going concern), by reason of wear and tear, during the year, of any machinery, implements, utensils, and articles used by the taxpayer for the purposes of his business: Provided that, where in any business income is set apart by the taxpayer by way of a fund to cover the depreciation of such machinery, implements, utensils, and articles, the amount so set apart for the year immediately preceding the year of assessment shall, subject to the approval of the Commissioner, be the sum to be deducted for depreciation: Provided that in no case shall any allowance be made for the depreciation of buildings.
- (6.) Notwithstanding the limitation in subsection (1.) hereof, the Commissioner shall, in cases in which it may seem to him just, allow losses, outgoings, and expenses, even if incurred beyond the State.
- (7.) Where any taxpayer occupies and actually uses for the sole purposes of his business any business premises or any portion thereof of which he is the owner, he shall be entitled, in any return of income derived from such business, to claim as an outgoing a sum computed at the rate of four pounds per centum per annum on the actual value of his interest in such business premises or portion thereof.
- (8.) Where a taxpayer employs his sons or daughters over the age of sixteen years in his trade or occupation, such

Claim for deduction  
in respect of busi-  
ness premises.

Deduction for ser-  
vices of sons and  
daughters.

sum

sum may be deducted for their services as to the Commissioner may seem reasonable.

- (9.) Where a taxpayer, either alone or with other persons, carries on or is interested as a partner in more than one business, and makes a profit in one or more of such businesses and a loss on another or others, such taxpayer shall be entitled to deduct the sum of the losses from that of the profits.

For the purposes of this and the preceding section the word "business" shall be taken to include any profession, trade, employment, or vocation.

- (10.) A sum representing ten pounds for each child under the age of sixteen years, residing with and dependent upon the taxpayer.

What deductions  
not allowed.

See N.S.W., No. 15  
of 1895, s. 29.

**31.** No deduction shall, unless where specified in regard to subsection (5.) hereof, be made in respect of any of the following matters:—

- (1.) The cost incurred in the maintenance of any taxpayer his family or establishment.
- (2.) Domestic or private expenses.
- (3.) Payments of any kind made by husband to wife or by wife to husband.
- (4.) Any loss or expense which is recoverable under any insurance or contract of indemnity.
- (5.) Income tax or land tax.
- (6.) Income earned in Western Australia and carried to any reserve fund, or capitalised in any way.

Nor as regards income derived from any profession, trade, employment, or vocation, in respect of any of the following matters:—

- (7.) Disbursements or expenses of any kind not wholly and exclusively incurred in the production of the assessable income from such profession, trade, employment, or vocation.
- (8.) The rent or value of or cost of repairs or alterations of any premises not occupied for the purposes of the profession, trade, employment, or vocation, or of any dwelling-house or domestic premises, except such part thereof as may be occupied for the said purposes.
- (9.) Investment of capital; expenditure of capital; loss of capital withdrawn from the business; money used or intended to be used as capital therein; money used in the improvement of premises occupied therefor; interest which might have been made on such capital or money if laid out at interest.
- (10.) Any debts owed to the taxpayer, except such as shall be proved to the satisfaction of the Commissioner to be bad

or doubtful; and deductions for doubtful debts shall be made according to the value at which the Commissioner shall estimate them.

*Assessments, Returns, etc.*

**32.** (1.) The Commissioner shall, in the prescribed manner, give or cause to be given not less than thirty clear days' public notice of the time and place at which all persons liable to taxation personally, or in any representative capacity under the provisions of this Act, shall furnish returns for the purpose of the assessment.

Commissioner to give notice of returns.  
N.S.W., No. 15 of 1895, s. 80.

(2.) Such notice shall state the place at which the prescribed forms of return may be applied for and obtained, and it shall be the duty of all such persons, and of all persons required by this Act or any regulation to furnish any such returns, to apply for the prescribed forms of returns.

(3.) Any person failing to furnish any such return shall not be relieved from any penalty by reason only of his having received no notice to furnish the same, or of the prescribed form of return not having been delivered to him; but the Commissioner may, if he deems it so advisable, cause forms to be delivered by the assessors or sent by post.

(4.) Every such person shall, upon the publication of such notice, prepare and deliver, in the prescribed manner, within the period to be mentioned in such notice, to the person appointed to receive the same, a return in the form prescribed of the description, situation, and value of all land of which such person is owner or holder, or in respect of which he may be liable under this Act to taxation in any representative capacity, and of the particulars of the income, with all details in relation thereto which may be prescribed; and such return shall be signed by the taxpayer, or by his agent duly authorised in that behalf.

Taxpayers to furnish returns.

(5.) Any return made or purporting to be made or signed by or on behalf of any person, or by the public officer of any company, for the purposes of this Act, shall be taken and deemed to be duly made and signed by the person or by the public officer of the company affected, as the case may be, unless such person or public officer shall prove that such return was not made or signed as aforesaid.

(6.) If any person fails to make such return, the Commissioner may appoint a person to make a return on behalf of such person, and the return made by the person so appointed shall be, for all the purposes of this Act, the return of the person liable to make the same.

(7.) The returns furnished by or on behalf of every person required to furnish returns under this Act shall contain such particulars, be in such form, and be furnished to the Commissioner at such time as may respectively be prescribed or publicly notified.

(8.)

Commissioner may  
require further  
returns.

(8.) The Commissioner may, when and so often as he thinks necessary, require any person to make further or fuller returns respecting any matter of which a return is authorised or prescribed by this Act or the regulations.

(9.) All returns required to be furnished under this Act shall be delivered at or sent by letter posted to the prescribed address.

(10.) No person shall be released from the obligations and penalties imposed by this Act or the regulations, in respect to the making of the returns herein mentioned, by reason only that such person may be within the exemptions as to value of lands or amount of income taxable hereinbefore declared.

Assessment-books  
when to be made.  
See N.S.W., No. 15  
1895, s. 31.

**33.** (1.) From the returns furnished to the Commissioner, or, in regard to land, from the current valuation of the local authority in whose district the land is situated, or from any other available sources, the Commissioner shall, as soon as may be, cause assessment-books to be prepared, as hereinafter provided.

(2.) The assessment-books in respect of land tax shall contain particulars arranged in the prescribed manner of all lands liable to land tax, and shall remain in force until new assessment-books shall be completed and notice thereof given to the persons concerned.

(3.) The assessment-books in respect of income tax shall be so prepared as to show the gross and taxable amounts of the income of every taxpayer, the income chargeable, and the amount of the tax to be paid by each taxpayer, the name and occupation of such taxpayer, together with such other particulars as may be prescribed :

Provided that any alteration or correction in any assessment-book authorised to be made on appeal from assessments or on order of a court as hereinafter provided, shall be made forthwith :

Provided further, that if, upon completion of the assessment by the assessors, and after the sittings of the Court of Review, it is at any time found that the assessed value or amount of any land or income is higher than is declared in the return or returns relating thereto, such excess shall be liable to taxation, and the tax levied in respect thereof shall be paid by the person chargeable, or if such person is deceased shall be recoverable from his personal representatives, notwithstanding that the year for which the tax was originally assessed and paid has closed, or that such person, or his representatives, may hold a receipt in full for the tax paid for the said year.

Assessment-book  
may be added to  
and amended whilst  
in force.  
*Ibid.*, s. 32.

**34.** (1.) During the time that any assessment-book is in force the Commissioner may, from time to time—

(a.) Place thereon the name of any person of whose liability to taxation he is satisfied, and erase therefrom the name of any person not so liable ; or

(b)

(b.) In his discretion, whether notice of appeal has been given or not, alter or reduce any assessment or class of assessments and order a refund of any excess of tax that may have been paid in respect thereof; or

(c.) Place thereon any lands which may have become vested in or owned by any person since the making of the last assessment which he is satisfied are liable to taxation, or erase therefrom any lands no longer so liable.

(2.) The prescribed notice shall be given to the persons affected of any addition to, or amendment of, the assessment-book, or any assessment, unless such addition or amendment has been made with the consent of the person affected.

(3.) Every person affected by any such addition or amendment shall be entitled to appeal therefrom in the same manner as from an original assessment. All notices and other proceedings prescribed with respect to original assessments, and appeals therefrom, and the hearing thereof shall, so far as possible, apply with respect to such additions or amendments and appeals therefrom.

(4.) Subject to such right of appeal as aforesaid, every assessment so added to, reduced, or amended shall have the same effect and be accompanied by the same consequences as an original assessment.

(5.) If the Commissioner thinks that any assessment made by an assessor is unfair or incorrect, he may direct another assessment to be made.

**35.** No assessment-book in respect of land tax or income tax shall be deemed incomplete, and no notice given in respect of land tax or income tax shall be deemed to have been or to be invalid by reason of any errors or omissions in any such book or notice:

*Assessment-books not deemed incomplete by reason of errors.*

N.S.W., No. 21 of 1897, s. 6.

But the Commissioner may add to the book the assessment and other prescribed particulars in respect of any land or income which may be ascertained to be liable to land tax or income tax.

**36.** Where any addition to or amendment of the assessment-book in respect to the land tax for any year has been made, the due date in respect of any amount payable by reason of such addition or amendment shall be the date of the giving of the notice of such addition or amendment to the person affected thereby.

*Due date where assessment-book is amended.*

N.S.W., No. 28 of 1900, s. 6.

**37.** The Commissioner may from time to time make new assessments of all or any lands liable to land tax, and shall, on any such assessment being made, insert the same, with the prescribed particulars, in the assessment-book then in force.

*New assessments. See *ibid.*, s. 4.*

**38.**

Digitized by Google



Power to use other assessments.

N.S.W., No. 15 of 1895, s. 33.

**38.** In the preparation of any assessment-book in respect of land tax, the Commissioner may, if he thinks proper, use or adopt so much of any assessment then in force which shall have been made by, or by the authority of, the council or board of any municipality or road district or any other authority empowered by law to make assessments of land, as may be applicable to or useful for the purpose of making any assessment under this Act.

Power to inspect rate-books, etc.

*Ibid.*, s. 34.

**39.** (1.) The Commissioner or any person authorised in writing by him may at all reasonable times inspect, free of charge, all rate-books, assessment-books, and valuations relating to any land, and all other books and documents relating to any assessment or valuation in the custody of the town clerk, secretary, or other officer of any municipality or road board, and all deeds, certificates, and other evidences of title, books, returns, accounts, and documents in the Land Titles Office, or the office for the Registration of Deeds, or in any other public office; and may require and take copies thereof, or extracts therefrom.

(2.) Any person obstructing or hindering any person so authorised shall be liable to a penalty not exceeding fifty pounds.

Assessor may enter and ask questions.

*Ibid.*, s. 35.

**40.** Any assessor may enter at any reasonable hour, during the day-time, upon land or premises, for the purpose of assessing the same, and may put to the occupier or owner thereof any questions touching any of the particulars thereof which he is required to furnish under this Act or the regulations.

Trustees jointly and severally responsible for returns.

*Ibid.*, s. 36.

**41.** Joint owners or trustees of land in respect to which such owners or trustees are liable under this Act to be assessed and taxed shall be assessed jointly, but shall be jointly and severally responsible for the due furnishing of returns, and be in like manner liable in respect of the payment of the tax.

Partners assessed jointly as to land of firm.

*Ibid.*, s. 37.

**42.** (1.) Co-partners shall be assessed jointly in the name of the firm or style of the co-partnership, in respect of land belonging to or held by such co-partners, and shall be chargeable jointly and severally with the land tax payable in respect thereof; and such assessment shall be kept separate and distinct from the individual assessment of any such partner.

(2.) Every co-partner shall be separately responsible for the due furnishing of returns relating to such land, and liable in respect of any default in connection therewith.

Provision when name of owner unknown.

*Ibid.*, s. 38.

**43.** Where the name of an owner of any land cannot, after due inquiry, be found, such land shall be entered in the assessment-book by the name of "the owner," and he shall be liable to taxation by that designation.

**44.**

**44.** (1.) If any person makes default in furnishing any return of lands or income, or if the Commissioner is not satisfied with the return made by any person, he may make an assessment of the value or amount on which, in his judgment, tax ought to be charged, and the tax shall be payable accordingly.

Default assessment.  
N.S.W., No. 15 of  
1895, s. 39.

(2.) Every such assessment shall be subject to appeal.

**45.** The assessment-book, in respect of land tax, or a copy thereof, shall be open to inspection at such place or places and subject to such conditions and the payment of such fee as shall be prescribed.

Assessment-book  
open to inspection  
*Ibid.*, s. 40.

**46.** Upon the completion of every assessment-book in respect of income tax, such book, or a copy thereof shall be deposited in the taxation office. Such book or copy shall not be open to public inspection, but every taxpayer shall be entitled to a copy of the entries therein relating to the assessment of his income certified by or on behalf of the Commissioner.

Taxpayer may ob-  
tain copy of entries  
in assessment-books.  
See *ibid.*, s. 41.

**47.** Upon the completion of the assessment-books the Commissioner shall give notice every year to every taxpayer whose name appears therein, with such particulars of the assessment as shall be considered necessary, and the amount of the tax which is payable. Such notice shall be designated the "Notice of Assessment of Land and Income Tax."

Notice to taxpayers.  
*Ibid.*, s. 42.

#### *Provisions as to Companies.*

**48.** (1.) Every incorporated company liable to land or income tax shall, at all times, be represented by a person residing in Western Australia, nominated for that purpose; and a place within the said State shall be appointed, from time to time, by such company, at which any notices or other instruments under this Act affecting the company may be served or delivered, and the Commissioner shall be notified within one month thereafter of the making of such nomination and appointment.

Public officer of a  
company—duties  
and liabilities.  
*Ibid.*, s. 43.

(2.) Such person shall, for the purposes of this Act, be called the public officer of the company, and shall be nominated—

(a.) In the case of a company having a board of directors or managers in Western Australia, within one month after the commencement of this Act:

(b.) In the case of a company not having such board as aforesaid, within three months after the commencement of this Act:

Provided that, in default of such nomination for the purposes of the first assessment under this Act, the public officer of any company shall be such managing director, director, secretary, attorney, or other officer as the Commissioner shall nominate for that purpose.

(3.) The office of public officer shall be kept constantly filled by every company.

(4.) Every company failing or neglecting, within the time required by this Act, to nominate its public officer, or failing or neglecting to fill any vacancy in that office as prescribed, or to appoint a place at which notices or other instruments may be served or delivered, shall be liable to a penalty not exceeding fifty pounds for every day during which such neglect shall continue.

(5.) Every notice, process, or proceeding which, under this Act, or the regulations, may be given to, or served upon, or taken against any company may be given to, served upon, or taken against its public officer; and if, at any time, there is no public officer, then any such notice, process, or proceeding may be given to, served upon, or taken against any officer or person acting or appearing to act in the management of the business or affairs of such company, or as attorney or agent for such company.

(6.) Every public officer shall be answerable for the doing of all such acts, matters, or things as are required to be done under this Act or the regulations by a taxpayer, and in case of default shall be liable to the same penalties.

(7.) Any act, return, or representation done or made by a public officer in respect of any matter or thing required to be done or performed under this Act or the regulations relating to the business of the company of which he is such public officer shall be deemed the act, return, or representation of such company, and shall be of the same force and effect and be accompanied by the same consequences as if done or made by such company.

(8.) Every company established or beginning to carry on business in the State after the passing of this Act shall, in case of a company registered in the Commonwealth of Australia, within one month after its establishment or beginning to carry on business, and in case of a company registered outside the Commonwealth of Australia, within three months after its establishment or beginning to carry on business, nominate a person to be its public officer, and appoint a place for delivery of notices and other instruments as aforesaid.

(9.) The absence or non-appointment of a public officer shall not exonerate any company from the necessity of complying with the provisions of this Act or the regulations, or from the penalties consequent on the failure to comply therewith.

#### *Appeals.*

Appeals.  
N.S.W., No. 15 of  
1895, s. 44.

**49.** (1.) Any person sought to be charged with tax may, within thirty days after the notice of assessment for land or income tax, or of any altered, corrected, or additional assessment has been given, appeal therefrom to the Court of Review, upon the ground that he is not liable for the tax, or for any part thereof, or that the amount of such assessment is excessive.

(2.) Every appeal shall be commenced by such notices and in such manner as may be prescribed.

(3.) Public notice shall be given of the time and place appointed for the hearing of appeals, and such hearing may be adjourned from time to time to any time and place that may seem convenient.

(4.) The sittings of the Court of Review for the hearing of appeals shall not be deemed to be public, and the said Court shall at any time, on the application of the appellant, exclude from any such sitting, or require to withdraw therefrom, all or any persons whomsoever.

(5.) The Commissioner, or any person authorised by him, may appear in support of the assessment on the hearing of any appeal; and the appellant and any person who is interested in such appeal may appear in person, or by his solicitor or agent.

(6.) All appeals shall be heard and dealt with in alphabetical order; but where two or more appeals in any list of appeals relate to the same matter, they may be heard together.

(7.) The Court of Review may alter or order the alteration of the assessment-book in accordance with the decision given on any appeal, but may only make an order as to costs when the claim of the Commissioner shall be held to be unreasonable, or the grounds of appeal therefrom to be frivolous.

(8.) No magistrate sitting as a Court of Review shall, solely on account of his liability to be assessed under this Act, or of his liability to tax, under any Act for the time being in force, be deemed to be interested in any matter upon which he may be called upon to adjudicate or determine.

(9.) The said court shall be a Court of Record, and shall have and possess, for the hearing and determination of appeals, within the limits of the jurisdiction hereinbefore defined, the same authority, rights, powers, privileges, and status as are conferred on local courts by the provisions of the Local Courts Act, 1904.

(10.) The provisions with regard to matters of procedure of the Local Courts Act, 1904, and the rules made thereunder shall, so far as they may be declared by regulations hereunder to be applicable, regulate the practice and procedure in connection with such appeals before a Court of Review.

**50.** (1.) Whenever any question at law shall arise in a case before the Court of Review, the said court shall, if required in writing by any of the parties within the prescribed time and upon the prescribed conditions, or may of its own motion, state and submit a case for decision of the Supreme Court thereon, which decision shall be conclusive.

Appeal to Supreme Court.  
N.S.W., No. 15 of  
1895, s. 45.

(2.) The Supreme Court shall have power to deal with the costs of and incidental to any case submitted under this section as it may think fit.

Right to recover tax not suspended by appeal.

N.S.W., No. 15 of 1895, s. 46.

**51.** The obligation to pay, and the right to receive and recover land or income tax shall not be suspended by any appeal, but if the appellant succeeds on such appeal the amount (if any) of the tax received by the Commissioner in excess of the amount which, according to the decision of such appeal, was properly payable by him, shall forthwith be repaid to him by the Commissioner. •

### *Collection of Tax.*

Administrative powers.

See N.Z., No. 49 of 1900, s. 83.

Salary and wage list to be furnished.

**52.** For the more effective administration of this Act, the following provisions shall apply:—

Access to buildings, books, etc.

Evidence of any person may be required.

Oath may be administered.

Returns of deposits in banks, etc.

- (1.) Every person, local authority, and public or private body or society whatsoever, whether a taxpayer or not, and every department of the public service, shall from time to time furnish the Commissioner with a return of all persons employed by him or it, and the salary, wages, stipend, or other allowances or emoluments paid or allowed to each person so employed.
- (2.) The Commissioner or any person authorised by him in that behalf shall at all times have full and free access to all buildings, places, books, documents, and other papers, for the purpose of valuing or inspecting the same; and for such purposes may make extracts from or copies of any such books, documents, or papers.
- (3.) The Commissioner may, by notice in writing, require any person, whether a taxpayer or not, to attend and give evidence before him, or any officer authorised by him in that behalf, concerning any income or assessment, and to produce all books, documents, and other papers whatsoever in such person's custody or under his control relating thereto.
- (4.) The Commissioner may require such evidence to be given under oath, and either verbally or in writing; and for such purpose he or the officer authorised as aforesaid may administer an oath.
- (5.) Every banking company and every other company, firm, or person who in the course of business holds money by way of deposit and allows interest thereon shall furnish annual returns to the Commissioner of all the amounts in excess of fifty pounds paid or payable as interest on such money for the year or any part thereof, with the names, addresses, and occupations of the depositors; and for the purposes of this Act every such

banking or other company, firm, or person shall be deemed to be the agent of all depositors mentioned in the returns who are outside Western Australia.

**53.** A day or days shall be appointed from time to time in every year, by notice in the *Government Gazette*, on which the land and income tax shall be due and payable.

Notice in *Gazette*  
when tax payable.  
N.S.W., No. 15 of  
1895, s. 47.

**54.** (1.) Every person who fails to pay the amount payable by him in respect of land tax or income tax respectively before the expiration of thirty days after the same has become due shall, in addition to the amount of such land or income tax, pay, by way of fine, a sum equal to ten pounds per centum thereof.

Fine on defaulting  
taxpayer.  
*Ibid.*, s. 48.

(2.) The Commissioner shall have power to remit any fine incurred, and to refund the amount of any fine paid under this section.

**55.** Land tax and income tax and every sum imposed or incurred by way of fine in addition to such tax shall be deemed, when the same becomes due or is payable, to be a debt due to His Majesty, and payable to the Commissioner in the manner and at the places prescribed.

Land and income  
tax, to be a debt  
due to His Majesty.  
*Ibid.*, s. 49.

**56.** Where the amount payable by any taxpayer, either in respect of land tax or income tax or in respect of both, exceeds the sum of twenty shillings, the same shall be payable in two equal half-yearly instalments, at such times as the Governor may direct by notice published in the *Government Gazette*.

Mode of payment.

**57.** Any land or income tax, together with any fines accrued, may be sued for and recovered by action in any court of competent jurisdiction by the Commissioner suing on behalf of His Majesty.

Tax recoverable  
the Commissioner.  
*Ibid.*, s. 51.

**58.** With respect to proceedings in a local court for the recovery of tax and fines, the following provisions shall have effect:—

Procedure.  
See *ibid.*, s. 52.

(1.) When a summons for the recovery of tax is issued and served, then unless, seven days before the day appointed for hearing, a statement in writing, by or on behalf of the defendant, showing a defence on the merits shall be made to the clerk of the court in which such summons was issued, judgment shall be given for the amount claimed, without the necessity of the Commissioner, or any one on his behalf, appearing in court, or proving the liability of the defendant and the non-payment of the tax.

(2.) It shall be sufficient in any such suit or proceeding if the particulars of demand state the amount sought to be recovered, the date on which the same was payable, with such further and other particulars as the Commissioner may think necessary.

Mode of service  
when defendant  
absent.

N.Z., No. 49 of 1900,  
s. 74.

**59.** If, in any proceedings for the recovery of tax and fines against any taxpayer whose name is entered in an assessment-book, the defendant—

(a.) is absent from Western Australia, and has not, to the knowledge of the Commissioner, after reasonable inquiry in that behalf, any attorney or agent in Western Australia on whom service of process can be effected; or

(b.) cannot, after reasonable inquiry, be found,—

then, notwithstanding any Act or rule of court to the contrary, good service of any summons or writ may, without leave of the court, be effected on him by posting the same, or a copy thereof, in a letter addressed to him at his last known place of business or abode in Western Australia, and, in the case of land tax, by affixing the same on a conspicuous part of the land to which the tax relates.

Commissioner may  
appear by solicitor  
or public officer.

*Ibid.*, s. 75.

**60.** In all proceedings under this Act the Commissioner may appear either by solicitor or by any officer in the public service of the State; and the appearance of any such solicitor or officer, and his statement that he so appears by authority of the Commissioner, shall be sufficient evidence of such authority for all purposes.

Procedure when  
name of owner can-  
not be ascertained.

*Ibid.*, s. 76.

**61.** Whenever, under the provisions of section *forty-three* of this Act, land is entered in the assessment-book under the designation of "the owner," proceedings for the recovery of the tax to which the owner of such land is liable may be taken, and judgment given against him and enforced under the designation aforesaid.

Good service of any notice, summons, or writ may be effected on him by affixing the same or a copy thereof on a conspicuous part of the land to which the tax relates, any Act or rule of court to the contrary notwithstanding.

Refunds.

See N.S.W., No. 17  
of 1904, s. 4.

**62.** If the amount paid by any taxpayer is in excess of the amount properly chargeable under this Act, the Commissioner shall give a certificate to that effect, and shall refund the proper amount in each case to the taxpayer or person entitled to receive the same: Provided that the Commissioner shall not certify for any refund under this section unless the claim is made within one year of the date when the tax was due.

### *Recovery of Tax by Letting and Sale of Land.*

Tax to be a first  
charge upon the  
land.

N.S.W., No. 15 of  
1895, s. 54.

**63.** (1.) The land tax shall, by force of this Act, and without registration, be a first charge upon the land taxed, in priority to all sales, conveyances, transfers, leases, mortgages, charges, liens, rates, and encumbrances whatsoever, and notwithstanding any disposition of any land it shall continue to be liable, in the hands of any purchaser or holder thereof, for the payment of such tax so long as the same remains unpaid.

(2.) Whenever any land tax payable in respect of any land shall be unpaid for the space of two years, it shall be lawful for the Commissioner, notwithstanding any judgment in respect of such tax recovered against the person chargeable with the same so long as such judgment remains unsatisfied, to cause to be published, for three consecutive weeks in the *Government Gazette*, a notice specifying such land, and the amount of tax and fines due in respect thereof, and stating that if such amount is not paid within one year from the first publication of such notice the Commissioner will let the land for a term not exceeding three years, with tenant right to improvement reasonable and necessary in the case of a tenancy for a term of three years, or will apply to the Supreme Court for an order for the sale thereof.

Notice of intention to let or sell.

(3.) If, after one year from the first publication of such notice, the tax and fines due at the time of such first publication are still unpaid, the Commissioner may let such land, or any part thereof, as above provided, and may receive the rents and profits thereof, and apply the same towards the payment of the said tax, or part thereof, and of costs and expenses, and hold any surplus in trust for the rightful owners of such land.

Commissioner may let land.

(4.) The Commissioner, instead of letting such land, may, in like case, by petition to the Supreme Court or any judge thereof, apply for a sale of so much of the land described in such notice as may be necessary, and the court or judge, on being satisfied by affidavit or otherwise that the arrears are lawfully due, and were in arrear at the time of the first publication of such notice, and that all things required by this Act to be done by the Commissioner have been done, shall order the sale of the said land, or so much thereof as shall be sufficient to pay all arrears due up to the time of sale, together with any sum payable by way of fine, and all costs of and attending the application, and of and attending the sale of such land, and that the proceeds be paid into court.

Commissioner may apply to Supreme Court for sale.

**64.** Whenever any sale of any land, estate, or interest shall have been ordered and effected under the last preceding section—

Application of proceeds of sale.

N.S.W., No. 15 of 1895, s. 55.

- (a.) The court or a judge shall order payment of the said tax, fines, costs, and expenses to be first made out of the proceeds of sale, and the balance of the proceeds of such sale shall be paid into court, and after such advertisement as the court or judge may direct shall be applied as the court or judge may think proper for the benefit of the parties interested therein; and
- (b.) The conveyance or transfer, as the case may be, shall be executed by the officer of the court nominated by the court or judge for such purpose to the purchaser, in such form as shall be approved by the court or judge; and
- (c.) Such conveyance or transfer shall vest the land, estate, or interest sold in the purchaser as completely and effectually



effectually as if such conveyance or transfer had been executed by the owner of such land, estate, or interest; and

- (d.) In cases where the land is under the provisions of the Transfer of Land Act, 1893, the Registrar of Titles shall, upon production to him of the transfer, register the same, and, notwithstanding any provision of the said Act to the contrary, production of the certificate of title shall not be required; provided that, for the purposes of registration the registrar shall, if necessary, do and perform all such acts and things as are provided for in the case of dealings with land where the certificate of title is lost or not produced, and in such case the purchaser shall be entitled to receive a certificate of title to the land purchased.

*Regulations, Penalties, etc.*

Governor may make regulations.  
N.S.W., No. 15 of  
1895, s. 56.

**65.** The Governor may make regulations—

- (1.) Prescribing the duties of all persons engaged or employed under or in the administration of this Act;
- (2.) For the security to be given by any such persons, the limits of districts, and places within which any such persons are to act;
- (3.) Prescribing the returns to be furnished to the Commissioner, the form and contents thereof, and the time and mode of furnishing the same; and the form, time, and manner of giving notices of appeal;
- (4.) Prescribing the mode of payment of the tax or fine;
- (5.) Making provision for the assessment and taxation of taxpayers absent from or not permanently resident in Western Australia, whether they are or are not represented in Western Australia by agents;
- (6.) Providing, where there is no provision in this Act, or no sufficient provision, in respect of any matter or thing necessary to give effect to this Act, in what manner and form the deficiency shall be supplied;
- (7.) For any purpose, whether general or to meet particular cases, that may be desirable in order to carry out the objects and purposes of this Act, or to give effect to anything for which regulations are contemplated or required by this Act.

Publication of regulations.  
*Ibid.*, s. 58.

**66.** All such regulations shall be published in the *Government Gazette*, and shall be laid before both Houses of Parliament within fourteen days from the publication thereof, if Parliament is then sitting, and if Parliament is not then sitting,

then within fourteen days after the beginning of the next session, and upon publication in the *Government Gazette* all such regulations shall have the force of law.

**67.** If the occupier or person in possession of any land when requested by the Commissioner or by any authorised officer, refuses to disclose the name of the owner of such land, or of the person entitled to receive the rents and profits thereof, or wilfully misstates the same or neglects or refuses to give any information in his possession, which is lawfully required by the Commissioner or any such officer for the purposes of this Act, he shall, for every such offence, be liable to a penalty not exceeding twenty pounds.

Occupier refusing to give the name of owner liable to a penalty.

N.S.W., No. 15 of 1895, s. 59.

**68.** If any person—

(a.) Fails or neglects to furnish any returns within the prescribed time; or

Penalty for making false returns, etc.

*Ibid.*, s. 60.

(b.) knowingly and wilfully makes any false statement in any returns, or makes any false answer for the purpose of evading or enabling any other person to evade assessment or taxation; or

(c.) by any falsehood, wilful neglect, fraud, art, or contrivance whatsoever evades or attempts to evade assessment or taxation,

he shall be liable to pay for each offence under subsection (a) a penalty not exceeding twenty pounds, and for each offence under subsections (b) or (c) a penalty not exceeding one hundred pounds; and in any case where the offence was an evasion of assessment or taxation, or an attempt to evade assessment or taxation, the person offending shall be liable to be assessed and charged treble the amount of the tax to which such person would otherwise be liable.

**69.** Any person who obstructs or hinders any officer acting in the discharge of his duties under this Act or the regulations, or refuses or wilfully neglects to answer or gives any false or evasive answer to any lawful question put by any such officer relating to any land, property, or income belonging to such person, shall be liable to a penalty not exceeding fifty pounds.

Penalty for obstructing officers, etc.

*Ibid.*, s. 61.

**70.** Every contract, agreement, or understanding, whether arrived at or evidenced by matter of record under seal or by writing or by parol, having or purporting to have or which might have the effect of removing, qualifying, or altering the operation of any assessment, return, exemption, or deduction, or of in any way affecting the incidence of any assessment, or tax, or displacing the benefit of any exemption or deduction, authorised by or consequent upon any provision of this Act shall (whether such contract, agreement, or understanding shall have been or be made before or after the passing of this Act) be wholly void and inoperative so far as

Contracts, etc., affecting assessment, incidence of assessment, etc., void.

*Ibid.*, s. 63.

such contract, agreement, or understanding purports or is intended to have or might have the effect aforesaid, but without prejudice to the validity of such contract, agreement, or understanding in any other respect or for any other purpose :

Provided that the interest of the lessor in any lands subject to any such agreement made before the commencement of this Act by a lessee to pay the land tax shall, for the purpose of contribution under section *thirteen*, be calculated upon a basis excluding the value of the reversionary interest.

Penalties may be imposed by regulation.  
N.S.W., No. 15 of 1895, s. 64.

**71.** Any person guilty of a breach of any of the provisions of this Act shall, except where otherwise expressly provided, be liable to a penalty not exceeding twenty pounds, and the Governor may, by regulation, impose a penalty not exceeding twenty pounds for the breach of any of the regulations under this Act.

Proceedings to be heard summarily.

**72.** All penalties imposed by this Act or by the regulations thereunder may be recovered summarily under the provisions of the Justices Act, 1902: But notwithstanding anything in the Justices Act, 1902, or in any other Act to the contrary, any information or complaint in respect of any penalty under this Act may be laid at any time within three years next after the date of the offence.

Action against officers, etc.  
N.S.W., No. 15 of 1895, s. 66.

**73.** In any action against any officer or person for anything done in pursuance of this Act, or in the execution of the powers or authorities conferred thereby, or by the regulations, the defendant in such action may plead the general issue, and give the special matter in evidence at the trial.

Evidence.  
*Ibid.*, s. 67.

**74.** The production of the *Government Gazette* containing any regulations purporting to be regulations under this Act, or any notice purporting to be published in pursuance of this Act or the regulations, shall be conclusive evidence that such regulation or publication was duly made or published, and the production of any assessment-book, or of any document under the hand of the Commissioner purporting to be a copy of or extract from any assessment-book, shall be conclusive evidence of the making of the assessment, and except in the case of proceedings on appeal against the assessment (when the same shall be *prima facie* evidence only) shall be conclusive evidence that the amount and all the particulars of such assessment appearing in such book or document are absolutely correct.

# WESTERN AUSTRALIA.



ANNO SEPTIMO

## EDWARDI SEPTIMI REGIS,

XVI.

\*\*\*\*\*

No. 16 of 1907.

### AN ACT to impose a Land Tax and an Income Tax.

[Assented to 20th December, 1907.]

MOST GRACIOUS SOVEREIGN,—

**W**E, Your Majesty's most dutiful and loyal subjects, the Legislative Assembly of Western Australia in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the duties hereinafter mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted: And be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. This Act may be cited as the *Land Tax and Income Tax Act*, 1907. Short title.

2. For the year ending the thirtieth day of June, one thousand nine hundred and eight, there shall be charged, levied, collected, Grant of Land Tax and Income Tax.

and

and paid, for the use of His Majesty, under and subject to the exemptions, deductions, and rebate enacted in the Land and Income Tax Assessment Act, 1907, and in manner therein prescribed —

- (a.) a land tax at the rate of one penny for every pound sterling of the unimproved value, as assessed by or under the said Act, of all land chargeable with such tax ; and
- (b.) an income tax at the rate of fourpence for every pound sterling of the annual amount of all incomes as assessed under the said Act :

Provided that for the financial year ending the thirtieth day of June, one thousand nine hundred and eight, one-half only of the land tax and income tax to be charged, levied, collected, and paid in accordance with the provisions of this section shall be levied and collected :

Provided also that section fifty-six of the Land and Income Tax Assessment Act, 1907, shall not apply to the land and income tax to be levied and collected for the financial year ending thirtieth day of June, one thousand nine hundred and eight.

# WESTERN AUSTRALIA.



ANNO SEPTIMO

## EDWARDI SEPTIMI REGIS,

XVII.

\*\*\*\*\*

No. 17 of 1907.

AN ACT to apply a sum out of the Consolidated Revenue Fund and from Moneys to Credit of the Trust Fund and the General Loan Fund and from the Loan Suspense Account to the Services of the Year ending the thirtieth day of June, One thousand nine hundred and eight, and to appropriate the Supplies granted in this Session of Parliament.

[Assented to 20th December, 1907.]

MOST GRACIOUS SOVEREIGN,—

**W**E, Your Majesty's Most Dutiful and Loyal Subjects, the Preamble.  
Legislative Assembly of Western Australia, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums hereinafter mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted: And be it therefore enacted by the King's Most Excellent Majesty,

Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows (that is to say):—

Application of  
moneys.

1. There shall and may be issued and applied, for or towards making good the supply granted to His Majesty for the services of the year ending the thirtieth day of June, One thousand nine hundred and eight, the following sums, that is to say:

From the Consolidated Revenue Fund, the sum of Two million and thirty-eight thousand and forty-five pounds.

From moneys to credit of the Trust Fund, the sum of Thirty-one thousand eight hundred and thirty-six pounds.

From moneys to credit of the General Loan Fund, the sum of Eight hundred and ninety-eight thousand one hundred and ninety-eight pounds.

From the Loan Suspense Account Two hundred and thirty-six thousand one hundred and thirty-three pounds.

Appropriation of  
supplies.

Schedule A.

2. All sums granted by this Act, and the Act mentioned in Schedule A to this Act, towards making good the Supply granted to His Majesty, that is to say:

From the Consolidated Revenue Fund, the sum of Two million four hundred and seventy-nine thousand five hundred and fifty-eight pounds.

From moneys to credit of the Trust Fund, the sum of Thirty-one thousand eight hundred and thirty-six pounds.

From moneys to credit of the General Loan Fund, the sum of One million and ninety-five thousand nine hundred and eighty-eight pounds.

From the Loan Suspense Account, Two hundred and thirty-six thousand one hundred and thirty-three pounds.

Schedules B, C, D, and E. are appropriated and shall be deemed to have been appropriated for the purposes and services expressed in Schedules B, C, D, and E.

## SCHEDULE A.

FOR THE SERVICES OF THE YEAR ENDING THE 30TH JUNE, 1908.

<i>Consolidated Revenue Fund:</i>						
Under 7 Edward VII., No. 1	...	...	...	441,513		
Under this Act	...	...	...	2,038,045		2,479,558
<i>Trust Fund:</i>						
Under this Act	...	...	...	...		31,836
<i>General Loan Fund:</i>						
Under 7 Edward VII., No. 1	...	...	...	197,790		
Under this Act	...	...	...	898,198		1,095,988
<i>Loan Suspense Account:</i>						
Under this Act	...	...	...	...		236,133
						<b>£3,843,515</b>



## SCHEDULE B.

CONSOLIDATED REVENUE FUND for the Services of the Year ending the 30th June, 1908,  
as detailed in the Estimates of Expenditure passed by the Legislative Assembly on  
the 11th day of December, 1907.

## SUMMARY.

	Under Section 36 of Audit Act.	Generally.	Total.
	£	£	£
His Excellency the Governor ... ..	...	1,148	1,148
The Executive Council ... ..	...	35	35
The Legislative Council ... ..	...	1,855	1,855
The Legislative Assembly ... ..	...	3,169	3,169
The Joint Houses of Parliament ... ..	...	7,769	7,769
The Premier's Office ... ..	...	900	900
The Minister for Lands ... ..	...	113,748	113,748
The Colonial Treasurer <sup>a</sup> ... ..	...	365,737	365,737
The Minister for Education ... ..	...	179,834	179,834
The Minister for Mines ... ..	...	176,642	176,642
The Minister for Railways ... ..	...	1,079,702	1,079,702
The Attorney General ... ..	...	73,457	73,457
The Minister for Works ... ..	28,007	187,387	215,394
The Colonial Secretary ... ..	...	357,171	357,171
The Minister for Agriculture ... ..	...	52,997	52,997
	£28,007	£2,601,551	£2,629,558
Less "Advance to Treasurer" ... ..	...	...	150,000
Total ... ..	...	...	£2,479,558

<sup>a</sup> Including "Advance to Treasurer, £150,000."

## SCHEDULE C.

TRUST FUND for the Services of the Year ending the 30th June, 1908,  
as detailed in the Estimates of Expenditure passed by the  
Legislative Assembly on the 11th day of December, 1907.

SALE OF GOVERNMENT PROPERTY TRUST ACCOUNT.								£
Miscellaneous Mining Development	...	...	..	...				3,528
Development of Agriculture	...	...	...	...	...			3,203
Bridges	...	...	...	...	...	...	...	8,461
Public Buildings	...	...	...	...	...	...	...	16,644
Total								£31,836

## SCHEDULE D.

**GENERAL LOAN FUND** for the Services of the Year ending 30th June, 1908, as detailed in the Estimates of Expenditure passed by the Legislative Assembly on the 18th day of December, 1907.

## SUMMARY.

	Under Section 36 of Audit Act.	Generally.	Total.
	£	£	£
Departmental ... ..	560	59,114	59,674
Railways, etc. ... ..	358,234	186,365	544,599
Harbours and Rivers ... ..	57,138	64,415	121,553
Water Supply and Sewerage ... ..	87,141	77,121	164,262
Development of Goldfields and Mineral Resources ... ..	19,084	36,681	55,765
Development of Agriculture ... ..	4,793	57,652	62,445
Roads and Bridges ... ..	1,633	74	1,707
Public Buildings ... ..	73,509	12,474	85,983
Total ... £	602,092	493,896	1,095,988

## SCHEDULE E.

**LOAN SUSPENSE ACCOUNT** for the Services of the Year ending 30th June, 1908, as detailed in the Estimates of Expenditure passed by the Legislative Assembly on the 18th day of December, 1907.

### SUMMARY.

	Under Section 36 of Audit Act.	Generally.	Total.
	£	£	£
Railways, etc. ... ..	6,834	128,637	135,471
Harbours and Rivers ... ..	...	12,363	12,363
Development of Goldfields and Mineral Resources ... ..	...	15,302	15,302
Development of Agriculture ... ..	8,659	10,698	19,357
Roads and Bridges ... ..	...	655	655
Public Buildings ... ..	...	52,985	52,985
Total ... £	15,493	220,640	236,133



# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XVIII.

\*\*\*\*\*

No. 18 of 1907.

AN ACT to amend the Game Act, 1892.

[Assented to 20th December, 1907.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Game Act Amendment Act*, Short title.  
1907, and shall be read as one with the Game Act, 1892, hereinafter referred to as the principal Act.

2. (1.) The Governor may, by proclamation published in the *Government Gazette*, prohibit— Power of Governor to prohibit the taking of native game.

(a.) the killing or taking for sale or barter of any prescribed native game, generally or in any defined portion of the State, by any person who is not the holder of a license granted under this Act, or

(b.) the use of any instrument or means for the purpose of killing, destroying, or taking native game.

(2.) Digitized by Google

(2.) Every such license may be issued and revoked by and in the discretion of the Minister or any officer appointed by the Minister in that behalf.

(3.) Any person who, contrary to any such proclamation, kills, destroys, or takes native game or employs any other person to kill, destroy, or take native game, or uses any prohibited instrument or means for the purpose of killing, destroying, or taking native game, shall, on conviction, be liable for a first offence to a fine not exceeding twenty pounds, and for a second or subsequent offence to imprisonment with or without hard labour for not exceeding six months, or to a fine not exceeding one hundred pounds and not less than twenty pounds; and the justices before whom any conviction is made may order that any instrument used as aforesaid shall be forfeited.

(4.) A license issued under this section shall not authorise the killing, destroying, or taking of native game on any reserve for native game.

Burden of proof.

3. (1.) Any person charged with having killed, destroyed, or taken native game, or with having employed any unlicensed person to kill, destroy, or take native game contrary to any such proclamation, or on any reserve for native game shall, on proof that native game was found in his possession, be deemed to have taken, killed, or destroyed such native game, or to have employed an unlicensed person to kill, destroy, or take native game, until the contrary is proved.

(2.) In every prosecution under this Act or the principal Act an averment in the complaint that the person charged with the offence was an unlicensed person or employed an unlicensed person, and that the native game was killed, destroyed, or taken for sale or barter, shall be deemed to be proved in the absence by proof to the contrary.

Offence of unlawful possession of native game.

4. Any person who—

(a.) is charged with having in his possession, on any reserve for native game, any native game reasonably suspected of being unlawfully obtained; and

(b.) does not prove to the satisfaction of the justices before whom he is charged that such native game was lawfully obtained

shall, on conviction, be liable for a first offence to a fine not exceeding twenty pounds, and for a second or subsequent offence to imprisonment with or without hard labour for not exceeding six months, or to a fine not exceeding one hundred pounds and not less than twenty pounds.

5. In this Act the term "native game" means any animal or bird for the time being included in the First Schedule to the principal Act, and includes the body and skin or any other portion of the body of such bird or animal. Interpretation.

6. The Governor may make regulations prescribing the conditions on which licenses are granted under this Act or the principal Act, and the fees to be paid for the same and generally for the carrying out of the principal Act as amended by this Act, and by such regulations may impose penalties for the breach or neglect thereof not exceeding twenty pounds for any offence. Regulations.

7. The Act intituled "An Act to allow Kangaroos to be taken for Food during a Close Season and on Native Game Reserves" (64 Vict., No. 33) is hereby repealed. Repeal of 64 Vict.,  
No. 33.





WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XIX.

\*\*\*\*\*

No. 19 of 1907.

AN ACT to amend the Registration of Births,  
Deaths, and Marriages Act, 1894.

[Assented to 20th December, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Registration of Births, Deaths, and Marriages Amendment Act, 1907*, and shall be read as one with the Births, Deaths, and Marriages Act, 1894, hereinafter referred to as the principal Act. Short title.

2. This Act shall come into operation on a date to be fixed by proclamation published in the *Government Gazette* within three months from the passing thereof. Commencement.

3. Section three of the principal Act is amended—

Amendment of 58  
Vict., No. 16, s. 3.

(a.) By striking out the definition of "District Registrar" and inserting in place thereof: "District Registrar" means any district registrar, deputy district registrar, or assistant district registrar appointed to administer the provisions of this Act.

(b.) Digitized by Google

(b.) By striking out the definition of "Minister" and inserting in place thereof: "Minister" means a minister of religion or other person duly registered to celebrate marriages within Western Australia.

(c.) By inserting, "Still-born child" means any child of seven months' gestation or over not born alive.

Deputy Registrar  
General.

4. The Governor may from time to time appoint a Deputy Registrar General, and everything appointed or authorised or required to be done or signed by the Registrar General may be done or signed by the Deputy Registrar General, and shall be as valid and effectual as if done or signed by the Registrar General himself.

Amendment of sec.  
6.

5. Section six of the principal Act is repealed, and the following is enacted in place thereof:—

Power to appoint  
district registrars  
and deputies.

6. (1.) The Governor may from time to time appoint district registrars and assistant district registrars, and may also at any time appoint a fit person to be the deputy of any district registrar, to act in the case of the death, illness, or unavoidable absence of the district registrar.

(2.) Every deputy district registrar shall, during the time he so acts, have all the powers and privileges, and perform all the duties, and be subject to all the responsibilities of the district registrar, for whom he is appointed deputy.

(3.) Whenever any district registrar dies, the deputy appointed as aforesaid shall act from the day of such death until a new appointment has been made to the vacant office; and in case of illness or absence shall act from such day as the district registrar (or in case of illness incapacitating him to do so, his medical attendant) certifies under his hand to the deputy appointed as aforesaid to act for him that he is ill and unable to perform his duties, or that he is about to be absent, and such deputy shall cease to act from the day on which he receives from the officer, whose deputy he is, a certificate under his hand to the effect that such officer has resumed his duties.

(4.) No district registrar shall have power to act during such term as his deputy is lawfully acting.

(5.) In any case where no deputy has been so appointed by the Governor, the Registrar General may, during the illness or unavoidable absence of any district registrar, temporarily appoint a fit person to act as deputy for such district registrar, and such deputy shall, while so

acting

acting, have all the powers conferred by the principal Act, and be subject to all the provisions thereof affecting district registrars: Provided that every such appointment shall be subject to revocation by the Governor.

6. Subsection one of section thirteen is repealed, and the following is enacted in place thereof:— Amendment of sec. 13.

13. (1.) The Registrar General may from time to time prescribe— Certificates of causes of death.

(a.) The forms of certificate of the causes of death to be given by duly qualified medical practitioners; and

(b.) The system of classification of the causes of death to be adopted by such practitioners,

and shall from time to time cause to be furnished printed forms of such certificates and full particulars of such system *gratis* to any such practitioner.

7. Section nineteen of the principal Act is amended by adding to subsection one the following words:— Amendment of sec. 19.

“or the Marriage Act, 1894.”

8. Section twenty-one of the principal Act is amended by adding the following words:— Amendment of sec. 21.

“Provided that the Colonial Secretary may suspend such minister pending inquiry into such charges.”

9. Section twenty-two of the principal Act is repealed, and the following is enacted in place thereof:— Amendment of sec. 22.

22. Any minister registered as aforesaid who ceases to reside in the district registrar's district within which his registered or last registered residence was situated, or who has ceased ordinarily to officiate as a minister of the religious denomination in respect of which he is registered, shall forthwith cause his new residence, denomination, or designation (as the case may be) to be registered anew with the Registrar General. When ministers to be registered anew.

10. Section twenty-five of the principal Act is repealed, and the following is enacted in place thereof:— Amendment of sec. 25.

25. Whenever the Registrar General has been duly notified that any minister is dead, or has left Western Australia, or resides in another district than the one in which he was last registered as residing, or has ceased ordinarily to officiate as a minister of the religious denomination in respect of which he

When registration of ministers may be cancelled.

is registered, the Registrar General shall, on receipt of such notification, if he think fit, cancel the registration of such minister, and forthwith publish notice of such cancellation in the *Gazette*.

Amendment of sec.  
34.

**11.** Section thirty-four of the principal Act is amended by adding the following words:—

“After the expiration of fourteen days and within twelve months next following the day of the death of any person in Western Australia, the district registrar may register such death upon payment of such fee as may be prescribed, and upon the informant making a statutory declaration as to the truth of the particulars required by the district registrar concerning the reasons for the omission to register such death.”

Amendment of  
Section 36.

**12.** Section thirty-six of the principal Act is hereby repealed, and the following section is substituted therefor:—

Registration of  
death after 12  
months.

**36. (1.)** After the expiration of twelve months following the death of any person in Western Australia, it shall not be lawful for any district registrar to register the death of such person except by the written authority of the Registrar General, and in accordance with the regulations, and on payment of the prescribed fee; and the fact of such authority having been given shall be entered on the register.

Registration of  
death after 7 years.

**(2.)** No registration of a death shall be made after the expiration of seven years from the date of such death except by the authority of a Judge of the Supreme Court, and the fact of such authority having been given and the date when it was given shall be entered in the register.

Register not to be  
evidence of death if  
made after 12  
months from death  
unless authorised  
by Registrar  
General, nor if  
made after 7 years  
from death unless  
authorised by  
Judge.

**(3.)** No register, or certified copy of any entry in the register, shall be evidence to prove the death of any person wherein it shall appear that twelve months have intervened between the day of the death and the day of the registration of the death of such person, unless such entry purports to have been made by the written authority and in accordance with the regulations aforesaid; and no register or certified copy as aforesaid shall be evidence to prove the death of any person wherein it shall appear that seven years have expired between the day of the death and the day of the registration of the death of such person, unless such entry purports to have been made by the authority of a Judge of the Supreme Court, the date whereof is entered as aforesaid.

Penalty.

**(4.)** Every District Registrar, who, save as hereinbefore provided, knowingly registers, or causes to be registered, the death of any person after the expiration of twelve months following the death of such person, shall, for every such offence, be liable on conviction to a fine not exceeding fifty pounds.

**13.** (1.) Notwithstanding anything contained in the principal Act, the birth of any still-born child shall, within fourteen days after the birth, be registered, without fee or reward, both in the Register of Births and the Register of Deaths at the office of the district registrar of the district in which such birth has occurred; and for all the purposes of the Registration of Births, Deaths, and Marriages Act, 1894, such child shall be deemed to have been born alive and to have subsequently died.

Registration of still births.

(2.) No interment of such child shall take place unless the interment is authorised by the certificate of a duly qualified medical practitioner, or a certificated midwife or nurse, or of a police or resident magistrate or officer of police not under the rank of sergeant, who has made personal inquiry into the circumstances.

(3.) Any person interring a still-born child without first obtaining such certificate shall be guilty of an offence, and liable, on conviction, to a fine not exceeding one hundred pounds, or to imprisonment with or without hard labour, for any term not exceeding six months.

(4.) Provided that if any still-born child is born at a place situated more than ten miles from the nearest duly qualified medical practitioner, magistrate, or officer of police, and the mother was not attended by a certificated midwife or nurse, such child may be interred without such certificate, but the birth of the child so buried shall be reported within fourteen days from the date of the burial, by the person who interred the body, to the nearest police officer, who shall forthwith make a full inquiry into the circumstances of the case, with the view of taking further action if necessary; any person who so buried the body of a still-born child and neglects to make the report required by this subsection shall be guilty of an offence, and liable, on conviction, to the penalty prescribed by subsection three of this section.

**14.** The Governor may from time to time amend the forms contained in the Schedules to the principal Act numbered three to eleven inclusive.

Power to amend forms.

**15.** The Governor may make regulations for carrying the principal Act and its amendments into effect, and by such regulations may prescribe the fees payable for registrations.

Regulations.



# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XX.

\*\*\*\*\*

No. 20 of 1907.

AN ACT to confirm certain Expenditure for  
the Year ended the 30th day of June,  
One thousand nine hundred and seven.

[Assented to 20th December, 1907.]

**W**HEREAS it is necessary that Legislative authority be obtained Preamble.  
for certain expenditure incurred for the service of the  
financial year 1906-7, not included in any Appropriation Act: Be  
it therefore enacted by the King's Most Excellent Majesty, by and  
with the advice and consent of the Legislative Council and Legis-  
lative Assembly of Western Australia, in this present Parliament  
assembled, and by the authority of the same, as follows:—

1. The Expenditure set forth in Schedule A to this Act Expenditure,  
Schedule A.  
shall be, and the same is hereby confirmed and allowed, and  
is hereby declared to be a charge against the Consolidated Revenue  
Fund of the State, that is to say: The sum of Seventy-eight  
thousand two hundred and forty pounds fourteen shillings and  
eight pence.

2, Digitized by Google



Expenditure,  
Schedule B.

2. The Expenditure set forth in Schedule B to this Act shall be, and the same is hereby confirmed and allowed, and is hereby declared to be a charge against the General Loan Fund of the State, that is to say: The sum of Ten thousand five hundred and eighty-four pounds ten shillings and ten pence.

Expenditure,  
Schedule C.

3. The Expenditure set forth in Schedule C to this Act shall be, and the same is hereby confirmed and allowed, and is hereby declared to be a charge against the Loan Suspense Account of the State, that is to say the sum of One thousand four hundred and four pounds thirteen shillings and one penny.

## *Excess of Expenditure, 1906-1907.*

### SCHEDULE A.

#### CONSOLIDATED REVENUE FUND.

						£	s.	d.	£	s.	d.		
<b>II.—His Excellency the Governor.</b>													
CONTINGENCIES.													
Incidental	...	...	...	...	...	...			28	14	1		
<b>III.—Executive Council.</b>													
CONTINGENCIES.													
Incidental	...	...	...	...	...	...			3	2	9		
<b>IV.—Legislative Council.</b>													
CONTINGENCIES.													
Incidental	...	...	...	...	...	...			23	1	0		
<b>V.—Legislative Assembly.</b>													
SALARIES.													
Temporary Assistance	<i>Hansard</i>	Staff	...	...	...	50	0	0					
Typists (occasionally employed)			...	...	...	87	12	6					
CONTINGENCIES.													
Select Committees	...	...	...	...	...	6	3	4					
									143	15	10		
<b>VI.—Joint Houses of Parliament.</b>													
SALARIES.													
Cleaners, etc.	...	...	...	...	...	3	2	9					
CONTINGENCIES.													
Incidental	...	...	...	...	...	845	17	2					
									848	19	11		
<b>VII.—Premier's Office.</b>													
SALARIES.													
Temporary Clerical Assistance	...	...	...	...	...	22	17	9					
CONTINGENCIES.													
Incidental	...	...	...	...	...	292	8	8					
									315	6	5		
Carried forward											1363	0	0

Brought forward	...	...	£	s.	d.	£	s.	d.
			...			1363	0	0
<b>VIII.—MINISTER FOR LANDS.</b>								
<b>SALARIES.</b>								
<i>Read—</i>			£	s.	d.			
4 Junior Clerks	...	...	297	18	7			
<i>In lieu of—</i>								
4 Junior Clerks	...	...	260	0	0			
						37	18	7
Land Guides, wages, overtime, etc.	...	...	1539	6	4			
District Allowance for Surveyors employed in Goldfields								
Divisions	...	...	165	15	1			
Travelling and Transport Allowances	...	...	1050	0	0			
<b>CONTINGENCIES.</b>								
Refund of Survey Fees	...	...	45	16	9			
Grant to Physical Laboratory	...	...	100	0	0			
						2938	16	9
<b>Woods and Forests.</b>								
<b>SALARIES.</b>								
Junior Clerk	...	...				3	10	10
Inspectors and Labourers occasionally employed	...	...	157	11	6			
District Allowance, Forest Ranger	...	...	30	0	0			
<b>CONTINGENCIES.</b>								
Incidental	...	...	672	14	3			
						863	16	7
<b>IX.—COLONIAL TREASURER.</b>								
<b>Treasury.</b>								
<b>SALARIES.</b>								
<i>Read—</i>			£	s.	d.			
1 Clerk	...	...	at 180	0	0 (6 months)			
<i>In lieu of—</i>								
1 Clerk	...	...	at 170	0	0	5	0	0
<b>TENDER BOARD.</b>								
Temporary Clerical Assistance	...	...				19	10	0
<b>CONTINGENCIES.</b>								
<b>Inspection of Liquor.</b>								
Incidental	...	...				21	17	3
<b>Tender Board.</b>								
Incidental	...	...				120	1	8
						166	8	11
<b>Aborigines.</b>								
Promoting the Welfare of the Aboriginal Natives	...	...				393	6	0
Carried forward	...	...				5725	8	3

						£	s.	d.		£	s.	d.
										5725	8	3

		£	s.	d.	£	s.	d.
	Brought forward ... ..	...			7596	9	0
	<b>London Agency.</b>						
	<b>SALARIES.</b>						
1	Inspecting Engineer (arrears, 1904) ... ..	36	5	9			
	<i>Read —</i>	£	s.	d.			
1	Clerk ... ..	207	0	0			
	<i>In lieu of—</i>						
1	Clerk ... ..	180	0	0			
					27	0	0
1	Junior Clerk at 10s., 12s. 6d., and 15s. per week ... ..	35	7	6			
	<b>CONTINGENCIES.</b>						
	Incidental ... ..	141	7	5			
					240	0	8
	<b>Public Service Commissioner.</b>						
	<b>SALARIES.</b>						
	Temporary Shorthand Writer at 30s. per week ... ..	4	0	0			
	„ Relieving Messenger, three weeks at 10s. ... ..	1	10	0			
					5	10	0
	<b>Miscellaneous Services.</b>						
	Waifs' Home, Parkerville, £ for £ up to £500 towards Upkeep	300	0	0			
	<b>Exhibitions.</b>						
	New Zealand Exhibition ... ..	253	6	5			
	Women's Art Exhibition ... ..	75	0	0			
	Perth Exhibition of Local Manufacturers, Arts, and Products	832	14	7			
	<b>Fire Brigades.</b>						
	Fire Brigade Demonstration, Claremont—Grant ... ..	250	0	0			
	Fire Brigade Demonstration, Claremont—Railway Fares and Freights ... ..	238	4	1			
	<b>Honoraria.</b>						
	Fraser, G. D.—Services rendered pending Appointment of Foreman, Binding Department, Printing Office ... ..	22	10	0			
	Hooper, H. B.—Services Acting Under Secretary, Agriculture	15	16	8			
	O'Connor, M.—Services in connection Discovery of Track through Leopold Ranges ... ..	75	0	0			
	Norman, C. E.—Reporting on Railway Yards, Fremantle ... ..	52	10	0			
	Simpson, C. Y.—Services Acting Sergeant-at-Arms, 1906 Session	10	0	0			
	<b>Members of Parliament, Services for.</b>						
	Free Passes over Midland Railway Line ... ..	132	10	0			
	<b>Municipal Grants.</b>						
	Subsidies to Municipalities ... ..	30182	12	9			
	Queen's Park—Initial Expenses ... ..	150	0	0			
	<b>National Grants.</b>						
	South African Contingents ... ..	2	8	0			
	Carried forward ... ..	32592	12	6	7841	19	8

		£	s.	d.	£	s.	d.
	Brought forward ...	32592	12	6	7841	19	8
	<b>Miscellaneous—continued.</b>						
	<i>Purchase of Land for Public Purposes, etc.</i>						
	Parks, Recreation Grounds, etc.—Grants for Maintenance and Improvements ...	662	10	0			
	Cemeteries—Grants for Fencing ...	25	1	3			
	Purchase of Land—Swan Location 1233, Lots 56, 57, 58 ...	40	0	0			
	Compensation to James Scott for loss of Lease 66/502 and improvements thereon ...	155	0	0			
	Compensation to C. M. Sewell for improvements on Pastoral Lease 70/53 ...	87	11	3			
	Coode Street Jetty—Approach Road, resumption ...	250	0	0			
	Belmont, purchase of Recreation Ground ...	337	2	0			
	Lake Monger Recreation Ground ...	250	0	0			
	<i>Royal Commissions of Inquiry.</i>						
	Inquiry into charge made by E. E. Heitmann against F. F. Lander ...	66	18	4			
	Gold Stealing ...	108	4	1			
	Stores Inquiry (Board) ...	75	4	4			
	Water Supply (Board) ...	108	14	8			
	<i>Sundry Grants and Services.</i>						
	Gwalia Hotel—Maintenance, including Salary and Wages of Manager ...	2346	16	5			
	Subsidy F. H. Hann—Exploration and Prospecting trip ...	100	0	0			
	Grant to Ravensthorpe Local Board of Health ...	100	0	0			
	Amount required Treasury Paymaster, Guildford Advance account being amount twice paid to W. O'Brien, repairs to South Perth School ...	13	0	0			
	Half Cost Passages to Mrs. Wacker and family to Germany ...	18	8	6			
	Reward for giving information leading to the conviction of the murder of the late Michael Naughton ...	200	0	0			
	Retiring Allowances, not given under Superannuation Act, to Printing and other employees of the State ...	6870	8	2			
					44407	11	6
	<b>IX.—MINISTER FOR EDUCATION.</b>						
	<b>Education.</b>						
	<b>SALARIES.</b>						
1	Director of Technical School, Coolgardie (6 months) ...	175	0	0			
	<i>Read—</i>						
1	Training College, Assistant ...	230	0	0			
1	Clerk ...	184	0	0			
		414	0	0			
	<i>In lieu of—</i>						
1	Training College, Assistant ...	220	0	0			
1	Clerk ...	180	0	0			
		400	0	0			
		14	0	0			
	Compulsory Officers ...	30	0	8			
	Carried forward ...	219	0	8	52249	11	2

		£	s.	d.	£	s.	d.
	Brought forward	219	0	8	52249	11	2
	<b>Education—continued.</b>						
	<b>CONTINGENCIES.</b>						
Incidental	...	1	0	0	220	0	8
	<b>X.—MINISTER FOR MINES.</b>						
	<b>Mines Generally.</b>						
	<b>SALARIES.</b>						
District Allowance (5 Draughtsmen)	...	10	0	0			
Do. do. Wardens, Inspectors, Surveyors	...	76	12	0			
	<b>CONTINGENCIES.</b>						
Survey of Leases, Areas, etc., and Refund of Survey Fees	...	484	16	1			
Expenses in connection with Recovery of Entombed Miner at Bonnievale	...	289	19	9	861	7	10
	<b>Geological Survey.</b>						
	<b>SALARIES.</b>						
Temporary Labour, Axemen, etc.	...	119	6	10			
	<b>CONTINGENCIES.</b>						
Equipment of Library and Museum of Practical Geology	...	3	11	7			
Laboratory Expenses, including Purchase of and Repairs to Instruments, Chemicals, Water, Gas, etc.	...	18	12	6			
Incidental	...	23	2	9	164	13	8
	<b>Explosives and Analytical.</b>						
	<b>CONTINGENCIES.</b>						
Magazine Reserves, Maintenance of Sidings, Repairs to Trucks, Upkeep of Horse and Cart	...				30	15	8
	<b>Inspection of Machinery.</b>						
	<b>SALARIES.</b>						
District Allowances	...	8	0	0			
Temporary Assistance	...	65	12	0	73	12	0
	<b>Carried forward</b>				53600	1	0

	£	s.	d.	£	s.	d.
Brought forward ... ..	...			53600	1	0
<b>X.—MINISTER FOR RAILWAYS.</b>						
<b>Railways.</b>						
<b>SALARIES.</b>						
1 Clerk (not provided for) ... ..	160	0	0			
1 Station-master at £170, 8 days ... ..	1	7	5			
Temporary Assistance ... ..	1019	0	0			
<b>CONTINGENCIES.</b>						
Insurance on Buildings ... ..	2144	10	5			
				3324	17	10
<b>Cossack and Roebourne Tramway.</b>						
<b>CONTINGENCIES.</b>						
Incidental ... ..	46	5	2			
Fodder, Paddocking, Harness, and Purchase of Horses ... ..	30	18	2			
				77	3	4
<b>XI.—ATTORNEY GENERAL.</b>						
<b>Crown Law Offices.</b>						
<b>SALARIES.</b>						
Extra Assistance ... ..	24	17	3			
<b>CONTINGENCIES.</b>						
Incidental ... ..	97	14	11			
				122	12	2
<b>Stipendiary Magistracy.</b>						
<b>CONTINGENCIES.</b>						
Witnesses and Jurors, payment of ... ..	574	8	1			
Inquests ... ..	142	7	9			
Incidental ... ..	187	2	7			
				903	18	5
<b>Supreme Court.</b>						
<b>SALARIES.</b>						
<i>Read—</i>						
1 Clerk at ... .. £240 0 0 (6 months)						
<i>In lieu of—</i>						
1 Clerk at ... .. 230 0 0				5	0	0
<b>CONTINGENCIES.</b>						
Incidental ... ..	2	17	1			
				7	17	1
Carried forward ... ..				58036	9	10



				£	s.	d.	£	s.	d.
Brought forward				...	...	...	58036	9	10
<b>XII.—MINISTER FOR WORKS.</b>									
<b>Public Works and Buildings.</b>									
<b>SALARIES—</b>									
<i>Read—</i>									
1 Accountant at	...	£380	0	0					
1 Engineer in charge Har-									
bours and Rivers	...	724	9	3					
1 Clerk at	...	282	3	0					
1 Do.	...	270	16	8					
1 Do.	...	201	0	0					
1 Do.	...	201	0	0					
1 Do.	...	133	19	6					
1 Junior Clerk at	...	90	0	0					
					£2283	8	5		
<i>In lieu of—</i>									
1 Accountant at	...	£350	0	0					
1 Engineer in charge Har-									
bours and Rivers at	...	700	0	0					
1 Clerk at	...	260	0	0					
1 Do.	...	210	0	0					
1 Do.	...	198	0	0					
1 Do.	...	198	0	0					
1 Do.	...	120	0	0					
1 Junior Clerk at	...	45	0	0					
					2081	0	0		
1 Clerk at £190, from 1st to 30th June, 1907	...						202	8	5
1 Junior Clerk (not provided for)	...						15	16	8
Payment of Bonus to Officers, 1st April to 30th June, 1907	...						68	2	10
Wages of Office Cleaners	...						65	0	0
							78	11	6
<b>CONTINGENCIES.</b>									
Insurance on Public Buildings	...						2038	14	9
Testing W.A. Timbers	...						544	6	11
New Parliament House, Laying out Grounds	...						131	0	5
							3144	1	6
<b>XIII.—COLONIAL SECRETARY.</b>									
<b>Office of Colonial Secretary.</b>									
<b>SALARIES.</b>									
Extra Clerical Assistance	...								81 1 1
<b>Charities.</b>									
<b>SALARIES.</b>									
Temporary Labour	...						193	7	4
							193	7	4
Carried forward				...			61261	12	5

		£	s.	d.	£	s.	d.
	Brought forward	...	...	193	7	4	61261 12 5
	<b>Charities—continued.</b>						
	<b>CONTINGENCIES.</b>						
	<b>Generally.</b>						
	Indoor Relief	...	...	1482	10	3	
	Outdoor Relief	...	...	65	16	3	
	Aid to Orphanage Industrial Schools	...	...	712	13	4	
	Payment to Inmates of Homes for work performed	...	...	27	3	7	
	Incidental	...	...	46	19	9	
	<b>Industrial School, Subiaco.</b>						
	Incidental	...	...	21	19	11	2550 10 5
	<b>Friendly Societies and Industrial Arbitration.</b>						
	<b>SALARIES.</b>						
	Extra Clerical Assistance	...	...	...			4 10 0
	<b>Gaols.</b>						
	<b>SALARIES.</b>						
	<i>Read—</i>			£	s.	d.	
	1 Warder at	...	...	150	0	0	
	<i>In lieu of—</i>						
	1 Warder at	...	...	146	0	0	
					4	0	0
	<b>CONTINGENCIES.</b>						
	Material for Manufacture	...	...	363	5	5	
	Machinery and Tools	...	...	66	7	8	483 13 1
	<b>Harbour and Light.</b>						
	<b>CONTINGENCIES.</b>						
	Jetty, Working Expenses	...	...	3,812	6	2	
	Incidental	...	...	6	19	3	3,819 5 5
	<b>Lunacy.</b>						
	<b>SALARIES.</b>						
	Salaries and Allowances Mental Cases treated in Perth Public Hospital	...	...	53	0	6	
	<b>CONTINGENCIES.</b>						
	Provisions, etc.	...	...	548	7	1	601 7 7
	<b>Medical and Public Health.</b>						
	<b>CONTINGENCIES.</b>						
	<b>Government Hospitals, etc.</b>						
	Government Hospitals, etc.	...	...	342	5	1	
	Perth Public Hospital Board	...	...	4,679	12	2	
	Fremantle Public Hospital Board	...	...	234	13	1	
	Carried forward	...	...	5,256	10	4	68670 18 11

	£	s.	d.	£	s.	d.
Brought forward ... ..	5256	10	4	68670	18	11
<b>Medical and Public Health—continued.</b>						
<i>Assisted Hospitals.</i>						
Grant towards Salaries of Medical Officers .. ..	10	5	7			
£ for £ Subsidy and Grant towards Maintenance of Indigent Patients ... ..	57	0	8			
Grant in Aid Maintenance Generally ... ..	25	4	8			
<i>Generally.</i>						
Motor Launch for Broome ... ..	23	6	3			
Bubonic Plague and Small Pox ... ..	243	15	1			
Maintenance of Isolation Hospitals ... ..	1	18	5			
Fees to Members Central Board of Health ... ..	0	9	0			
Special Loan to Cottesloe Local Board of Health ... ..	100	0	0			
				5,718	10	0
<b>Observatory.</b>						
<b>CONTINGENCIES.</b>						
Incidental ... ..					15	13 5
<b>Police.</b>						
<b>SALARIES.</b>						
<i>Read—</i>						
Clerk at ... .. £90 0 0 (for portion of year)						
<i>In lieu of—</i>						
Clerk at ... .. £80 0 0						
	6	17	7			
Temporary Clerical Assistance ... ..	18	10	0			
<b>CONTINGENCIES.</b>						
Provisions for unsentenced Prisoners in charge of Police ...	67	9	6			
Travelling and Transport ... ..	151	6	4			
Honorarium for Special Services, J. W. Vernon ... ..	5	0	0			
				249	3	5
<b>Public Garden and Government House Domain.</b>						
<b>CONTINGENCIES.</b>						
Public Gardens and Grounds connected with Public Buildings Upkeep of Grounds, Travelling Paths, Water Supply, etc. ...					69	18 10
<b>Rottneet.</b>						
<b>SALARIES.</b>						
Gardeners—1 at £200, from 30th April; 1 at 10s. a day, from 4th June ... ..					45	7 9
<b>XIV.—MINISTER FOR AGRICULTURE.</b>						
<b>Agriculture.</b>						
<b>SALARIES.</b>						
1 Inspector from 1st February to 30th June, 1907, at £190 ...	79	3	4			
1 Clerk at £200 (for portion of year) in lieu of leave ...	11	10	10			
Wages of Farm Hands ... ..	525	2	6			
Temporary Assistance ... ..	319	16	2			
Carried forward ... ..	935	12	10	74769	12	4

		£ s. d.	£ s. d.
Brought forward	... ..	935 12 10	74769 12 4
<b>Agriculture—continued.</b>			
<b>CONTINGENCIES.</b>			
Agricultural and Horticultural Societies—Subsidies	... ..	485 3 11	
Noxious Weeds	... ..	55 17 6	
<b>Government Refrigerating Works.</b>			
<b>SALARIES.</b>			
Wages of Engineers, etc.	... ..	30 11 8	
<b>Rabbits.</b>			
<b>SALARIES.</b>			
Wages of Boundary Riders, etc.	... ..	678 13 0	
			2185 18 11
<b>Agricultural Bank.</b>			
<b>SALARIES.</b>			
Fees to Trustees	... ..	71 8 0	
3 Inspectors: 1 at £360 for 3 months; 2 at £350 for 2 months	... ..	206 13 4	
<b>CONTINGENCIES.</b>			
Services rendered by other Departments	... ..	905 5 3	
Incidental	... ..	101 16 10	
			1285 3 5
<b>TOTAL</b>		...	<b>£78,240 14 8</b>

## SCHEDULE B.

### GENERAL LOAN FUND.

		£	s.	d.	£	s.	d.
<b>Railways.</b>							
Collie-Narrogin	...	...	...	...	440	3	10
Jandakot-Armadale	...	...	...	...	4,492	4	8
Surveys, New Lines	...	...	...	...	487	8	10
						5,419	17 4
<b>Harbour and River Improvements.</b>							
Albany Harbour Works	...	...	...	...	...	775	7 11
<b>Development of Goldfields and Mineral Resources.</b>							
Erection of State Batteries	...	...	...	...	...	3,902	11 8
<b>Development of Agriculture.</b>							
Loans for Purchase of Wire Netting	...	...	...	...	...	486	13 11
	<b>TOTAL</b>	...	...	...	...	£10,584	10 10

# SCHEDULE C.

## LOAN SUSPENSE ACCOUNT.

Railways.						£	s.	d.	£	s.	d.
Denmark-Torbay	...	...	...	...	...	58	9	6			
Narrogin-Yornaning	...	...	...	...	...	1148	5	3			
Wagin-Dumbleyung	...	...	...	...	...	197	18	4			
									1404	13	1
TOTAL						...			£1404	13	1



# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XXI.

\*\*\*\*\*

No. 21 of 1907.

AN ACT to authorise the Construction of a  
Railway from Mt. Magnet to Black Range.

[Assented to 20th December, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Mt. Magnet-Black Range* Short title.  
*Railway Act, 1907.*

2. It shall be lawful to construct and maintain a railway from Mt. Magnet to Black Range with all necessary, proper, and usual works and conveniences in connection therewith, along the line described in the Schedule to this Act. Authority to construct.

3. Notwithstanding anything contained in the Public Works Act, 1902, it shall be lawful for the Minister for Works to deviate from the line as described in such Schedule to the extent of twenty miles on either side thereof. Deviation.

4. Digitized by Google



Power to Governor to compulsorily purchase land within 15 miles of railway.

4. At any time after the passing of this Act, and until the expiration of twelve months from the publication of notice in the *Government Gazette* declaring the railway open for traffic, the Governor may, with the object of encouraging the cultivation and settlement of the land, compulsorily purchase any land in parcels of not less than one thousand acres, each parcel being the property of one person or two or more persons jointly or in common, and situated within fifteen miles on either side of the line of railway, and which land is certified by the Minister for Lands as suitable for closer agricultural settlement: Provided that no land shall be compulsorily purchased until the Land Purchase Board has favourably reported thereon.

Purchase money to be determined under Public Works Act, 1902.

5. On the determination by the Governor from time to time to exercise the power conferred by the last preceding section, any land within such defined limits may be taken under the Public Works Act, 1902, and the provisions of that Act shall apply, and the amount of the purchase money shall be determined as compensation is determined under that Act:

But no regard shall be had to any increased value occasioned by the railway, and the purchase money shall be assessed at the probable and reasonable price which the land with any improvements thereon, or the estate or interest of the claimant therein, might have been expected to realise if offered for sale at the date the land was taken, and if the railway had not been constructed or authorised.

Governor may require surrender, etc., to be made.

6. Before the purchase money is paid for any land compulsorily purchased under the authority of this Act, the Governor may require the claimant to execute a surrender, conveyance, or transfer of the land to the Crown, or as the Governor may direct, free from all encumbrances.

Application of 60 Vict., No. 26.

7. All such land shall be dealt with under the provisions of the Agricultural Lands Purchase Act, 1896, and the purchase money may be paid out of any moneys authorised to be raised and expended by that Act, or as therein prescribed.

## SCHEDULE.

---

### MT. MAGNET-BLACK RANGE RAILWAY.

---

#### DESCRIPTION OF LINE OF RAILWAY.

Commencing at a point in or near Mt. Magnet Townsite, on the Geraldton-Cue Railway, and proceeding thence in a generally Easterly direction for about 96 miles, and terminating at a point in or near the Southern boundary of the Townsite of Sandstone, as more particularly determined and coloured red on map marked Part of 12868 deposited as provided for by 55 Victoria, No. 34, Section 10. Total length about 96 miles.



# WESTERN AUSTRALIA.



ANNO SEPTIMO

## EDWARDI SEPTIMI REGIS,

XXII.

\*\*\*\*\*

No. 22 of 1907.

### AN ACT to authorise the Construction of a Graving Dock at Fremantle.

[Assented to 20th December, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Fremantle Dock Act*, 1907.

Short title.

2. It shall be lawful for the Minister for Works to construct a graving dock within the harbour of Fremantle, as described in the Schedule to this Act, and to expend thereon all moneys appropriated by Parliament from time to time for that purpose, and the same shall be deemed a public work within the meaning of the Public Works Act, 1902.

Authority to construct.

3. On the completion of the dock, or any portion thereof, the Governor may place the control and management in any trust, board, or other body having statutory powers in that behalf; and until such order is made the control and management shall be vested in the Minister for Works.

Control and management.

## Regulations.

(1.) The Minister for Works, while the dock is under his control and management, and any trust, board, or other body having for the time being the control and management of the dock or any portion thereof, may make regulations, and fix dues, tolls, and charges for the use thereof.

(2.) Every regulation—

(a.) may impose a penalty not exceeding one hundred pounds for the breach thereof; and

(b.) shall, on approval of the Governor and publication in the *Government Gazette*, have the force of law, and shall be laid before Parliament within fourteen days after such publication if Parliament is then in session, and if not, then within fourteen days after the commencement of the next ensuing session.

---

### THE SCHEDULE.

A masonry or concrete graving dock, 850 feet in length or thereabouts, to be subdivided into compartments as may be found expedient, together with all plant, workshops, machinery, and appurtenances necessary for its working.

The dock shall be situated within the harbour of Fremantle, on the North side, adjacent to Rous Head.

# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XXIII.

\*\*\*\*\*

No. 23 of 1907.

AN ACT to authorise the Construction of a  
Railway from Pinjarra to Marrinup.

[Assented to 20th December, 1907.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Pinjarra-Marrinup Railway Act*, 1907. Short title.

2. It shall be lawful to construct and maintain a railway from Pinjarra to Marrinup, with all necessary, proper, and usual works and conveniences in connection therewith, along the line described in the Schedule to this Act. Authority to construct.

3. Notwithstanding anything contained in the Public Works Act, 1902, it shall be lawful for the Minister for Works to deviate from the line as described in such Schedule to the extent of five miles on either side thereof. Deviation.

4. Digitized by Google

Power to Governor  
to compulsorily purchase  
land within  
12 miles of railway.

4. At any time after the passing of this Act, and until the expiration of twelve months from the publication of notice in the *Government Gazette* declaring the railway open for traffic, the Governor may, with the object of encouraging the cultivation and settlement of the land, compulsorily purchase any land in parcels of not less than one thousand acres, each parcel being the property of one person or two or more persons jointly or in common, and situated within twelve miles on either side of the line of railway, and which land is certified by the Minister for Lands as suitable for closer agricultural settlement: Provided that no land shall be compulsorily purchased until the Land Purchase Board has favourably reported thereon.

Purchase money to  
be determined  
under Public Works  
Act, 1902.

5. On the determination by the Governor from time to time to exercise the power conferred by the last preceding section, any land within such defined limits may be taken under the Public Works Act, 1902, and the provisions of that Act shall apply, and the amount of the purchase money shall be determined as compensation is determined under that Act:

But no regard shall be had to any increased value occasioned by the railway, and the purchase money shall be assessed at the probable and reasonable price which the land, with any improvements thereon, or the estate or interest of the claimant therein, might have been expected to realise if offered for sale at the date the land was taken, and if the railway had not been constructed or authorised.

Governor may  
require surrender,  
etc., to be made.

6. Before the purchase money is paid for any land compulsorily purchased under the authority of this Act, the Governor may require the claimant to execute a surrender, conveyance, or transfer of the land to the Crown, or as the Governor may direct, free from all encumbrances.

Application of 60  
Vict. No. 26.

7. All such land shall be dealt with under the provisions of the Agricultural Lands Purchase Act, 1896, and the purchase money may be paid out of any moneys authorised to be raised and expended by that Act, or as therein prescribed.

**Schedule.**

---

**PINJARRA - MARRINUP RAILWAY.**

---

**DESCRIPTION OF LINE OF RAILWAY.**

Commencing at a point in or near the Pinjarra Townsite on the Fremantle-Bunbury Railway, and proceeding thence in a generally South-Easterly direction up the Marrinup Brook Valley for about 15 miles, and terminating at a point in or near the South-Western boundary of Government Reserve A2461, as more particularly delineated and coloured red on map marked P.W.D., W.A., 13272, deposited as provided for by 55 Victoria, No. 34, Section 10. Total length about 15 miles.





# WESTERN AUSTRALIA.



ANNO SEPTIMO

## EDWARDI SEPTIMI REGIS,

XXIV.

\*\*\*\*\*

No. 24 of 1907.

AN ACT to authorise the construction of a Railway from Jarrahwood to Nannup as an extension of the Wonnerup-Jarrahwood Railway.

[Assented to 20th December, 1907.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Wonnerup-Nannup Railway Act, 1907.* Short title.

2. It shall be lawful to construct a railway from Jarrahwood to Nannup along the line described in paragraph (b) of the Schedule to this Act as an extension of the existing railway from Wonnerup to Jarrahwood, and to maintain the said railway from Wonnerup to Nannup with all necessary, proper, and usual works and conveniences in connection therewith, along the line described in paragraphs (a) and (b.) of the schedule to this Act. Authority to construct.

3. Digitized by Google

Deviation.

3. Notwithstanding anything contained in the Public Works Act, 1902, it shall be lawful for the Minister for Works to deviate from the line as described in such Schedule to the extent of six miles on either side thereof.

Power to Governor to compulsorily purchase land within 15 miles of railway.

4. At any time after the passing of this Act, and until the expiration of twelve months from the publication of notice in the *Government Gazette* declaring the railway open for traffic, the Governor may, with the object of encouraging the cultivation and settlement of the land, compulsorily purchase any land in parcels of not less than one thousand acres, each parcel being the property of one person or two or more persons jointly or in common, and situated within fifteen miles on either side of the Jarrahwood-Nannup sections of the line of railway, and which land is certified by the Minister for Lands as suitable for closer agricultural settlement: Provided that no land shall be compulsorily purchased until the Land Purchase Board has favourably reported thereon.

Purchase money to be determined under Public Works Act, 1902.

5. On the determination by the Governor from time to time to exercise the power conferred by the last preceding section, any land within such defined limits may be taken under the Public Works Act, 1902, and the provisions of that Act shall apply, and the amount of the purchase money shall be determined as compensation is determined under that Act.

But no regard shall be had to any increased value occasioned by the railway, and the purchase money shall be assessed at the probable and reasonable price which the land, with any improvements thereon, or the estate or interest of the claimant therein, might have been expected to realise if offered for sale at the date the land was taken, and if the railway had not been constructed or authorised.

Governor may require surrender, etc., to be made.

6. Before the purchase money is paid for any land compulsorily purchased under the authority of this Act, the Governor may require the claimant to execute a surrender, conveyance, or transfer of the land to the Crown, or as the Governor may direct, free from all encumbrances.

Application of 60 Vict., No. 26.

7. All such land shall be dealt with under the provisions of the Agricultural Lands Purchase Act, 1896, and the purchase money may be paid out of any moneys authorised to be raised and expended by that Act, or as therein prescribed.

## SCHEDULE.

### DESCRIPTION OF LINE OF RAILWAY.

#### (a.) WONNERUP-JARRAHWOOD SECTION.

Commencing at a point in or near Wonnerup Railway Station on the Bunbury-Busselton Railway and proceeding thence in a generally South-Easterly direction for about 14 miles; thence in a generally Southerly direction for about 8 miles 20 chains, and terminating at a point in or near Southern boundary of Sussex Location 36 known as Jarrahwood, as more particularly delineated and coloured red on map marked P.W.D., W.A., 13280, deposited as provided for by Victoria, No. 34, Section 10.

Total length about 22 miles 20 chains.

#### (b.) JARRAHWOOD-NANNUP SECTION.

Commencing at a point in or near the Southern boundary of Sussex Location No. 361, known as Jarrahwood, on the Wonnerup Railway, and proceeding thence in a generally Southerly direction for about  $6\frac{1}{2}$  miles; thence in a generally South-Easterly direction for about  $7\frac{1}{2}$  miles, and terminating in the Nannup townsite, as more particularly delineated and coloured red on map marked P.W.D., W.A., 13280, deposited as provided for by Victoria, No. 34, Section 10. Total length about 14 miles.



# WESTERN AUSTRALIA.



ANNO SEPTIMO

## EDWARDI SEPTIMI REGIS,

XXV.

\*\*\*\*\*

No. 25 of 1907.

AN ACT to confirm a Provisional Order authorising the construction of Tramways in the Municipality of North Fremantle, and to empower the Municipality to construct and maintain works for the generation and supply of Electricity for motive purposes.

[Assented to 20th December, 1907.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *North Fremantle Municipal Tramways Act, 1907.* Short title.
2. In this Act, unless the context is inconsistent therewith, Interpretation.  
the expression—
  - “Council” means the Council of the Municipality of North Fremantle.
  - “Electricity” means the electric current for the supply of motive power.
  - “Electric Line” means a wire or wires, conductor, or other means used for the purpose of conveying, transmitting, transforming

transforming, or distributing electricity with any casing, coating, covering tube, pipe, pillar, pole, post, frame, bracket, or insulator enclosing, surrounding, or supporting the same or any part thereof, or any apparatus connected therewith, for the purpose of conveying, transforming, transmitting, or distributing electricity, but not a telegraph or telephone line.

“Undertakings” means the works in connection with the construction and carrying on of the tramways, and of the supply of electricity as authorised by this Act.

Confirmation of  
Provisional Order.

**3.** The Provisional Order made by the Minister for Works on the eighteenth day of September, one thousand nine hundred and seven, and set forth in the Schedule of this Act is hereby confirmed subject to the amendments to clauses one and nineteen as follows:—

Clause 1.—In line three of clause one the words “and the Municipality of Fremantle” are inserted after the words “North Fremantle,” and in line four of clause one the words “and in so far as the said Municipality of North Fremantle is concerned” are inserted after the word “hereto.”

Clause 19.—The following words are added: “But this Clause shall not be deemed to affect the following contracts for the supply of electricity between the Fremantle Tramway Board and the Fremantle Harbour Trust and the West Australian Government Railways dated January 17th, 1906, and between the Fremantle Tramway Board and the North Fremantle Municipal Council dated November 10, 1905, and for the lease of Tramways North Fremantle Municipal Council dated June 27th, 1907.”

Power to construct.

**4.** Subject to the provisions of the Tramways Act, 1885, the Municipality of North Fremantle and its assigns (hereafter called the said municipality) may make, form, lay down, construct, maintain, and work the tramways set forth in the said Provisional Order.

Power to use.

**5.** Notwithstanding the provisions of section sixteen of the Tramways Act, 1885, the said municipality is hereby authorised and empowered—

- (a.) To place or run carriages upon such tramways as set forth in the said Provisional Order, and to demand and take tolls and charges in respect of the use of such carriages.
- (b.) To purchase or otherwise acquire land for the purpose of erecting thereon a generating station, with all necessary plant and machinery, for the supply of electricity as motive power.
- (c.) With the consent of the Governor to enter into any agreement with any municipality or road board for supplying electricity for motive purposes.

(d.)

- (d.) To demand and take tolls and charges in respect of the supply of electricity for motive purposes to any house, building, or factory within the said municipal district or within the district of any other municipality or road board, under the terms or in pursuance of any agreement from time to time entered into with any such municipality or road board.

**6.** The council may take the necessary steps—

- (a.) To obtain expert advice as to the proper method of carrying out the undertakings and works hereby authorised or any of them;
- (b.) to decide, in accordance with such advice, as to what portion of the undertakings and works shall forthwith be carried out;
- (c.) to obtain estimates as to the cost of same, and to decide on the amount of the loan necessary for providing for such cost, and for providing interest and sinking fund on such loan during construction of the works, and for contingencies and working expenses;
- (d.) to raise a loan or loans in accordance with the provisions of this Act for the amount so ascertained to be necessary for the purposes aforesaid.

Preliminary matters.

**7.** (1.) Notwithstanding the provisions contained in section four hundred and thirty-six of the Municipal Corporations Act, 1906, the said municipality may at any time, and from time to time, with, under, and subject to the powers and provisions hereinafter contained, borrow any sum or sums of money which may be necessary for the proper carrying out of the undertakings and works hereby authorised or any of them; but the total amount so borrowed shall not, in any case, exceed the sum of sixty thousand pounds.

Power to borrow money for purposes of undertaking.

(2.) Any sum so borrowed shall not be taken into account in estimating the amount which may be borrowed for other purposes by the said municipality, and shall not be subtracted from ten times the average income of the said municipality in making such estimate.

**8.** (1.) All moneys borrowed under the powers contained in this Act shall be raised by the sale of debentures; and such debentures shall bear on the face of them a statement that the same are issued in pursuance of the powers conferred by this Act.

Debentures.

(2.) Sections four hundred and forty to four hundred and forty-nine inclusive, of the Municipal Corporations Act, 1906, shall apply to all loans so raised, in the same manner as if such sections were herein re-enacted, and in terms made applicable to this Act.

(3.) The debentures issued or to be issued by the said municipality in connection with the loan of twelve thousand pounds

advertise



advertised in the *Government Gazette* on the fourth day of August, one thousand nine hundred and seven, shall be deemed to have been issued under the powers conferred by this Act, and shall be as valid to all intents and purposes as if all the provisions of this section had been fully complied with.

Special rate to be struck.

9. Whenever any money has been so borrowed by the said municipality, and so long as any portion thereof remains unpaid, the council shall every year strike such a special rate as the council deems necessary to meet the interest and sinking fund of the amount of the loan for which it is responsible, after deducting its proportion of any profit which may have been earned during the preceding year as a result of the working of the undertakings.

Provision for excess or deficiency in rate.

10. (1.) If in any year the proceeds of such special rate are in excess of the sum required for the purposes set out in the preceding section, such excess shall be retained and credited against any sum that may be raised for the like purposes during the next ensuing year.

(2.) If on any year the proceeds of such special rate are insufficient for the purposes aforesaid, the council shall make good the deficiency out of the ordinary income, but shall, in the next ensuing year, add such deficiency to the amount of the rate raisable for that year, and out of the proceeds thereof shall repay to itself the amount so paid out of the ordinary income.

Additional special rates.

11. If on the examination of accounts of the said municipality, as provided in section seventeen of this Act, it appears that the operations of the council during the year have resulted in a loss, the council shall in each year strike an additional special rate as it may deem necessary to defray the amount of such loss; and if the proceeds of such special rate are in excess of the sum required for the purpose of this section, such excess shall form part of the ordinary income of the municipality.

Incorporation of provisions of Municipal Corporations Act, 1906.

12. There shall be incorporated with this Act the following provisions of the Municipal Corporations Act, 1906, namely:—

With respect to "General Provisions as to Rates";

With respect to "Recovery of Rates";

And sections four hundred and fifty-two to four hundred and sixty-one with respect to "Borrowing Powers": Provided nevertheless, that it shall not be necessary to provide a sinking fund for the repayment of the loans during the first twelve months after the raising of the first loan under this Act.

Power of Supreme Court to appoint liquidator.

13. (1.) In the event of any default being made in payment of any principal money or interest of any loan raised under the powers conferred by this Act, the holder of any debenture in respect of which any such principal money or interest is overdue may apply to the Supreme Court, by petition on behalf of himself and all other holders of debentures in respect of which a like default

default has been made, for the appointment of an official liquidator of the undertakings.

(2.) An official liquidator, when so appointed, shall be entitled to take possession of the undertakings and the property, plant, machinery, and effects used or appropriated in connection therewith; and subject to any order or direction which may be made by the Supreme Court, he shall have all the powers and authorities conferred by law upon an official liquidator appointed in the winding up of a limited company, including a power of sale and the right to carry on the undertakings as a going concern pending realisation thereof.

**14.** The undertakings and works shall constitute the primary security for the repayment of all debentures, interest, and costs; but in the event of there being any deficiency on the sale and realisation thereof, the official liquidator may sue for and recover from the said municipality such deficiency.

Undertaking to be the primary security for loans.

**15.** The net profits derived from the working and undertakings in every year, after deduction of interest and sinking fund on all loans from time to time outstanding, and after allowing for all proper depreciation, shall, subject to the provisions of any agreement made in connection therewith, belong to the said municipality, and the same shall form part of the ordinary income of the said municipality.

Disposal of profits.

**16.** The council shall cause true accounts to be kept of the money received by and expended by them in connection with the undertakings and works hereby authorised and of all matters in respect of which such expenditure is incurred, and of the assets and liabilities of the undertakings.

Council to keep accounts.

**17.** In the months of May and November of every year the accounts of the council shall be examined, and the correctness of the statement and balance-sheet made up to the thirtieth day of April and the thirty-first day of October preceding shall be ascertained by the two auditors elected in pursuance of section four hundred and seventy-seven of the Municipal Corporations Act, 1906.

Audit.

**18.** In forming, constructing, and working the tramways authorised by the said Provisional Order, the council shall observe and perform the conditions and regulations contained in the provisions of the Tramways Act, 1885, so far as the same are applicable, and for such purposes the council shall be deemed to be promoters within the meaning of that Act, and generally all the provisions of that Act, so far as the same are applicable and are not repugnant to the special provisions of this Act, shall apply as if the same had been re-enacted herein and in terms made applicable to this Act.

Provisions of Tramways Act, 1885, to be observed.

Application of  
Electric Lighting  
Act, 1892.

**19.** In connection with the undertakings and works hereby authorised in supplying electricity for motive purposes in the said municipal district and the carrying on of the undertakings when completed, the provisions of the Electric Lighting Act, 1892, shall, so far as they are applicable and not repugnant to the provisions herein contained, apply as if the same had been re-enacted herein and in terms made applicable to this Act, and for such purposes the council shall be deemed to be undertakers within the meaning of that Act.

Power to lease  
undertaking.

**20.** (1.) The council are hereby empowered to lease or vest the entire control and management of the undertaking, or any part thereof, in any person, corporation, or board for such period as may be determined upon and embodied in an agreement duly made between the said council and such person, corporation, or board.

(2.) Notwithstanding anything to the contrary in any Act or regulation made or to be made thereunder, the council may undertake that no rates, taxes, or license fees shall be imposed, levied, or charged by the council on the lessees for or in respect of the tramways or their equipment constructed under this Act, or in respect of the running of such service within the said municipal district.

Minister may con-  
struct crossings.

**21.** It shall at all times hereafter be lawful for the Minister for Works to construct, and for the Commissioner of Railways to maintain and use lines of railway crossing the said tramways at any points ; and whenever any such line of railway shall have been so constructed, the Commissioner of Railways may require the council, at the cost of the municipality, to erect a suitable bridge over such railway for the tramway traffic.

Exemption from  
rates.

**22.** The said municipality shall not be chargeable by any other municipality or by any road board with any rate, tax, or payment in respect of any works that may be constructed under the authority of this Act within the boundaries of the district of such other municipality or road board.

Confirmation of  
certain agreements.

**23.** The said municipality is hereby empowered to confirm and validate an agreement dated the twenty-sixth day of April, one thousand nine hundred and seven, and made between the North Fremantle Municipality and the Municipalities of Fremantle and East Fremantle, and an agreement dated the twenty-seventh day of June, one thousand nine hundred and seven, and made between the North Fremantle Municipality and the Fremantle Municipal Tramways and Electric Lighting Board, copies of which agreements are deposited at the Department of Public Works and marked Agreement "A" and Agreement "B," respectively.

Incorporation of  
Schedule.

**24.** The Schedule hereto shall form part of this Act.

## THE SCHEDULE.

## PROVISIONAL ORDER.

WHEREAS the Mayor and Councillors of the Municipality of North Fremantle, a body corporate under the provisions of the Municipal Corporations Act, 1906, and a body within the meaning of the expression the Promoter, as defined in the Tramways Act, 1885, Section 3, Subsection 1, has made application to me for a Provisional Order authorising the construction of tramways within the said Municipality along the routes specified in the schedule hereunder written: And whereas the Mayor and Councillors, as such body corporate, have given public notice of its intention to make such application in the form prescribed in the Schedule B annexed to the Tramways Act, 1885, by advertisement in the *Government Gazette* and in the *West Australian* newspaper, and has deposited the documents described in Schedule C annexed to the same Act at the Department of Public Works and also at the Town Hall of the said Municipality: And whereas I have considered the said application, and it appears to me expedient and proper that the said application should be granted: Now therefore I, JAMES PRICE, the Minister for Works for Western Australia, do hereby, by virtue of the Tramways Act, 1885, make a Provisional Order, and I do order as follows, that is to say:—

(1.) The Promoter shall be, and is hereby, empowered to make, form, lay down, construct, maintain, and work tramways in, upon, and along such of the streets and roads in the Municipality of North Fremantle as are set out in the First Schedule hereto; to alter and vary the routes of any such tramways, and to extend the same along any other streets or roads within the boundaries of the said Municipality: Provided such alteration or extension shall not be exercisable except with the consent of the Governor in Executive Council.

(2.) The Promoter shall, within twelve months]from the 27th day of June, 1907, or within such extended time as the Minister for Works may approve, substantially commence, and thereafter, in a proper and workmanlike manner continuously carry on, construct, complete, and furnish and equip the work, tramways, cars, lines, machinery, and plant of all kinds in connection therewith, so that the same shall be completed and ready for use and running and open for public traffic within eighteen months from the said 27th day of June, 1907, or within such extended time as the Minister for Works may approve.

(3.) The said tramways shall be constructed on a 3ft. 6in. gauge, and shall be laid with steel rails.

(4.) The manner of construction of and the material used in the construction of the said tramways and the voltage of the electric current shall be similar, or as near as possible to that used in the construction of the tramways in Fremantle.

(5.) No cable or live wire shall be affixed or lie closer to the handrail of any balcony than 3ft., and all other necessary precautions shall be taken to prevent persons coming into contact with the said cables, and all necessary longitudinal guard wires shall be erected.

(6.) The said tramway shall be used for the conveyance of passengers and passengers' luggage only.

(7.) The roads of the lines shall be properly macadamised for a width of 6ft. 6in. for single lines and 16ft. for double lines, if constructed, and shall be kept in thorough repair to the level of the rails.

(8.) The tolls and charges authorised to be taken, and which shall be demanded by the Promoter, shall be paid to such persons and at such places upon or near the tramways, and in such manner and under such regulations as the Promoter shall appoint, by notice to be exhibited in some conspicuous place in the inside of each of the passenger cars to be used by the Promoter upon the said tramways.

(9.) All cars used on the said tramways shall be moved by electric power, and the Promoter may erect and maintain all such poles and posts with wires attached thereto in the said streets mentioned in the said Schedule hereunder written, along the routes therein mentioned, as may be necessary or required for supplying electricity to the said cars and for working the said tramways on the overhead trolley system.

(10.) All cars used on the said tramways may travel at a speed not exceeding the rate of 10 miles an hour, and may follow after each other at distances not less than 50 yards, and may stop at any point on the said tramways (except on the crossings of streets) for the purpose of taking up and setting down passengers, and may stand at the terminus of any of the said tramways.

(11.) The said tramway shall be constructed with single or double lines; and before commencing to construct the said tramways the Promoter shall submit, for the inspection of the Minister for Works, plans and drawings of the proposed tramways, and shall obtain his approval thereof in writing.

(12.) All plans and specifications where required in connection with the carrying out of the work shall be submitted to the Minister for Works for approval, and all work shall be carried out and finished to the entire satisfaction of the Minister for Works.

(13.) In the event of fire or any other serious accident, the local Fire Brigade or Police shall have power to order the supply of current to be discontinued at any place in order to avoid danger or accident to firemen, etc., carrying out their duties; and the Promoter shall have no claim for compensation for loss of traffic or for damage.

(14.) The Promoter shall, at his own expense, alter or divert all wires, metal pipes, tubing, and cables that would be subject to electrolysis, so that they shall not be within twenty-four inches of any portion of the tramway system carrying electric current; and the Promoter shall not by anything herein contained be exempted from any liability to compensation for damage or loss by any electrolysis for which he may be responsible.

(15.) The Promoter may from time to time, with the consent of the Minister for Works, make and enter into and carry into effect contracts, agreements, and arrangements with any person, corporation, or company for the use of the said tramways or portion thereof, and for prescribing and regulating the tolls and charges to be paid for such use, and the terms and conditions of such use, and all matters incidental thereto.

(16.) Nothing contained herein shall prejudice any agreements entered into between the Municipality of North Fremantle and any person, board, road board, company, or corporation except so far as the same is contrary to or in conflict with the provisions of the Order or of the Tramways Act, 1885.

(17.) The term "The Promoter," whenever hereinbefore used, shall mean and include the Mayor and Councillors of the Municipality of North Fremantle, its successors and assigns, whenever the context so requires or admits.

(18.) Tramways already constructed by the Fremantle and East Fremantle Councils and operated by the Fremantle Tramways Board, or tramways at any time hereafter constructed and operated by any other municipality or road board adjoining North Fremantle, may be connected with, and the carriages of such adjoining municipality or road board run upon the tramway lines constructed

pursuant to the provisions of this Act upon such terms and conditions as may be agreed upon between the North Fremantle Council and the adjoining municipality or road board, or in any case of disagreement, as may be determined by the Minister for Works: Provided, however, that the Fremantle Tramway Board shall not have the right to exercise the powers contained in this section during the period of an agreement dated 27th June, 1907, between North Fremantle and Fremantle Municipal Tramways and Electric Lighting Board, or any extended period of such agreement.

(19.) No person, board, company, or corporation other than the Municipality, save as herein provided, shall hereafter undertake the business of the supply of electricity, or shall hereafter construct any electric line in, under, or over any way, road, street, public place, or public reserve within the municipal district of North Fremantle, without the consent of the said Municipality is first had and obtained.

The Schedule above referred to:—

- (a.) A tramway starting at a point on the northern boundary of the North Fremantle Municipality; thence Southerly along Victoria Avenue and Swan River Bridge, and connecting with the existing tramline on Canning Road, Fremantle.
- (b.) A tramway starting at a point on the Victoria Avenue route at the intersection of John Street; thence along John Street to the River Esplanade, along the Esplanade to Harvest road, and by that road South-Westerly to the Victoria Avenue route.
- (c.) A tramway starting at a point on the Victoria Avenue route near the Northern boundary of the Municipality, proceeding Westerly to the Ocean Parade; along that Parade Southerly to John Street; thence along John Street to the first-mentioned route in Victoria Avenue.

Given under my hand this 18th day of September, 1907.

JAMES PRICE,  
Minister for Works.



# WESTERN AUSTRALIA.



ANNO SEPTIMO

## EDWARDI SEPTIMI REGIS,

XXVI.

\*\*\*\*\*

No. 26 of 1907.

AN ACT to authorise the construction of a  
Railway from Narrogin to Wickepin.

[Assented to 20th December, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

**1.** This Act may be cited as the *Narrogin-Wickepin Railway* Short title.  
Act, 1907.

**2.** It shall be lawful to construct and maintain a railway from Narrogin to Wickepin with all necessary, proper, and usual works and conveniences in connection therewith, along the line described in the Schedule to this Act. Authority to construct.

**3.** Notwithstanding anything contained in the Public Works Act, 1902, it shall be lawful for the Minister for Works to deviate from the line as described in such Schedule to the extent of five miles on either side thereof. Deviation.

**4.** Digitized by Google



Power to Governor  
to compulsorily pur-  
chase land within  
15 miles of railway

4. At any time after the passing of this Act, and until the expiration of twelve months from the publication of notice in the *Government Gazette* declaring the railway open for traffic, the Governor may, with the object of encouraging the cultivation and settlement of the land, compulsorily purchase any land in parcels of not less than one thousand acres, each parcel being the property of one person or two or more persons jointly or in common, and situated within fifteen miles on either side of the line of railway, and which land is certified by the Minister for Lands as suitable for closer agricultural settlement: Provided that no land shall be compulsorily purchased until the Land Purchase Board has favourably reported thereon.

Purchase money to  
be determined  
under Public Works  
Act, 1902.

5. On the determination by the Governor from time to time to exercise the power conferred by the last preceding section, any land within such defined limits may be taken under the Public Works Act, 1902, and the provisions of that Act shall apply, and the amount of the purchase money shall be determined as compensation is determined under that Act:

But no regard shall be had to any increased value occasioned by the railway, and the purchase money shall be assessed at the probable and reasonable price which the land, with any improvements thereon, or the estate or interest of the claimant therein, might have been expected to realise if offered for sale at the date the land was taken, and if the railway had not been constructed or authorised.

Governor may re-  
quire surrender,  
etc., to be made.

6. Before the purchase money is paid for any land compulsorily purchased under the authority of this Act, the Governor may require the claimant to execute a surrender, conveyance, or transfer of the land to the Crown, or as the Governor may direct, free from all encumbrances.

Application of 60  
Vict., No. 26.

7. All such land shall be dealt with under the provisions of the Agricultural Lands Purchase Act, 1896, and the purchase money may be paid out of any moneys authorised to be raised and expended by that Act, or as therein prescribed.

**SCHEDULE.****NARROGIN-WICKEPIN RAILWAY.****DESCRIPTION OF LINE OF RAILWAY.**

Commencing at a point in or near Narrogin Townsite, on the Great Southern Railway, and proceeding thence in a generally Easterly direction for about  $7\frac{1}{2}$  miles; thence in a generally North-Easterly direction for about 22 miles, and terminating at a point in or near the Western boundary of Williams Location 4914, as more particularly delineated and coloured red on map marked P.W.D., W.A., 12853, deposited as provided for by 55 Victoria, No. 34, Section 10. Total length about  $29\frac{1}{2}$  miles.



# THE ELECTORAL ACT, 1907.

(No. 27 of 1907.)

## ARRANGEMENT.

### PART I.—PRELIMINARY.

- Sec.  
1. Short title.  
2. Commencement.  
3. Division.  
4. Interpretation.

### PART II.—ADMINISTRATION.

5. Chief Electoral Officer.  
6. Registrars and Returning Officers.  
7. Substitute.  
8. Registrars.  
9. Returning Officers.  
10. Deputy Returning Officers.  
11. Registrar may be Returning Officer.  
12. Returning Officer's declaration.  
13. Resignation of Returning Officer after issue of Writ.  
14. Death resignation, or removal of Returning Officer after issue of Writ.  
15. Temporary assistance.  
16. Disqualification of officers.

### PART III.—ENROLMENT.

#### *Division (1)—Qualification of Electors.*

17. Qualification of Assembly electors.  
18. Disqualifications.

#### *Division (2)—Electoral Rolls.*

19. Electoral rolls.  
20. Rolls to be kept by Registrars.  
21. Existing rolls.  
22. Form of rolls.  
23. Arrangement of rolls.  
24. Printing of rolls.  
25. Copies to be kept for public inspection.  
26. Supplementary rolls.  
27. Incorporation of supplementary rolls.  
28. Amalgamation of rolls.  
29. Rolls to be dated.  
30. Supplementary rolls to be numbered and dated.  
31. Arrangement with Commonwealth.  
32. The rolls.  
33. Inspection of rolls by the public.  
34. Rolls and documents not to be invalidated.  
35. Officers to furnish information.  
36. Chief Electoral Officer to inspect District offices and rolls.  
37. New rolls.  
38. How prepared.

Sec.

39. Electoral census.  
40. Names to be inscribed from existing rolls, etc.

#### *Division (3)—Additions to Rolls.*

41. Addition of names.  
42. Form of claim.  
43. Claims, how dealt with.  
44. Essential particulars.  
45. Registration of claims.

#### *Division (4)—Objections.*

##### *(i.) To Claims.*

46. Objections to claims. By electors. By the Registrar.

##### *(ii.) To Enrolment.*

47. Objections to enrolment. By electors. By the Registrar.

##### *(iii.) Powers of Magistrate.*

48. Powers of Magistrate.

#### *Division (5)—Miscellaneous.*

49. Substitution of qualification.  
50. Removal of names repeated on roll.  
51. Alteration of rolls.  
52. Time for altering rolls.  
53. Alterations, how to be made.  
54. Method of removing names from a printed roll.  
55. Registrar General to furnish quarterly lists.  
56. Inspector-General of the Insane to furnish quarterly lists.  
57. Superintendent of Public Charities to furnish quarterly lists.  
58. Comptroller-General of Prisons to furnish quarterly lists.  
59. Chief Electoral Officer to cause certain names to be struck off the rolls.  
60. Chief Electoral Officer to cause certain names to be altered.  
61. Method for restitution of electoral registration.

### PART IV. ELECTIONS.

#### *Division (1)—Writs.*

62. Appointment of Clerk of the Writs.  
63. Writs for general election to issue within seven days.  
64. Notice to be published.

---

*Electoral.*

---

Sec.

- 65. General elections to be held on same day.
- 66. Issue of writs in cases of vacancy.
- 67. Issue of writs.
- 68. Form of writs.
- 69. Date of nomination.
- 70. Date of polling.
- 71. Date of return of writ.
- 72. Notice to Registrars of issue of writ.
- 73. Address of writs.
- 74. Duty of Returning Officer on receipt of writ.
- 75. Extension of time.

*Division (2).—Nominations.*

- 76. Candidates to nominate.
- 77. Mode of nomination.
- 78. Time for receipt.
- 79. Nominations may be telegraphed.
- 80. Requisites for nomination.
- 81. Withdrawal of nomination.
- 82. Formal defects.
- 83. Deposit to be forfeited in certain cases.
- 84. Place of nomination.
- 85. Hour of nomination.
- 86. Proceedings on nomination day.
- 87. Withdrawal or death of candidate after nomination.
- 88. Failure of election.

*Division (3).—Voting.*

*(i.) In absence.*

- 89. Voting by post.
- 90. Postal vote books.
- 91. Directions.
- 92. Mode of marking ballot paper.
- 93. Inspection.
- 94. Postal vote officer not to visit electors.
- 95. Duty of Returning Officer in regard to postal votes.
- 96. Mistakes.
- 97. Officer to decide.
- 98. Applicant not to vote otherwise at election.

*(ii.) At the Poll.*

- 99. Polling places.
- 100. Polling.
- 101. Duty of Returning Officer.
- 102. Presiding officer.
- 103. Appointment of presiding officers, poll clerks, and door-keepers.
- 104. Substitute.
- 105. Absence of Returning Officer or presiding officer not to invalidate election.
- 106. Subdivision of polling places.
- 107. No licensed premises to be used.
- 108. Certain buildings to be used free.
- 109. Separate compartments.
- 110. Ballot boxes.
- 111. Registrar to supply signed rolls.
- 112. Ballot papers.
- 113. Scrutineers.
- 114. Persons present at polling.
- 115. Maintenance of order.

Sec.

- 116. The polling.
- 117. Persons claiming to vote to give name, etc.
- 118. Questions to be put if voter challenged.
- 119. Consequence of answers.
- 120. Answer conclusive.
- 121. Persons objected to—how to vote.
- 122. No other question or declaration necessary.
- 123. Errors not to forfeit vote.
- 124. Ballot paper to be handed to elector.
- 125. Roll to be marked on voting paper being issued.
- 126. Vote to be marked in private.
- 127. How votes to be marked.
- 128. Provision where voter is blind or disabled or cannot write.
- 129. Spoilt ballot papers.
- 130. Adjournment of polling on account of riot.
- 131. Adjournment in other cases.
- 132. Voting at adjourned polling.

*Division (4).—Counting the Votes.*

- 133. Count of the votes—how conducted.
- 134. Adjournment to be announced.
- 135. Before adjourning, ballot papers, etc., to be sealed in boxes.
- 136. Power to appoint scrutineers.
- 137. Scrutineer may object to vote as informal.
- 138. Informal ballot papers.
- 139. Ballot papers not informal.
- 140. Outlying polling places.
- 141. The count of the votes by deputy and assistant Returning Officers.
- 142. Returning Officer to ascertain result of polling.
- 143. Counting of votes by Returning Officers.
- Counting of votes, when more candidates than two.
- Exhausted ballot papers.
- 144. Casting vote for exclusion during progress of count.
- 145. Re-count.

*Division (5).—Declaration of Poll and Return of the Writ.*

- 146. Declaration of poll and return of writs.
- 147. Election not to be questioned.
- 148. Remedy for informalities in election proceedings.

*Division (6).—After the Poll.*

- 149. Returning Officer to forward to Chief Electoral Officer statistical return.
- 150. Returning Officer to send ballot papers to Clerk of Council or Assembly.
- 151. Preservation of ballot papers.
- 152. Production of rolls used at election.
- 153. Ballot papers, etc., to be delivered to Court of Disputed Returns.
- 154. Papers, etc., to be destroyed.

*Electoral.*

Sec.

**PART V.—DISPUTED RETURNS.**

155. Method of disputing elections.
156. Requisites of petition.
157. Presumption as to date of return of writ.
158. Deposit as security for costs.
159. No proceedings unless requisites complied with.
160. Powers of Court.
161. Inquiries by Court.
162. Voiding election for illegal practices.
163. Court to report cases of illegal practices.
164. Immaterial errors not to vitiate election.
165. Decisions to be final.
166. Copies of petition, etc., to be sent to House affected.
167. Costs.
168. Deposit applicable for costs.
169. Other costs.
170. Effect of decision.
171. Power to make rules of Court.

**PART VI.—LIMITATION OF ELECTORAL EXPENSES.**

172. Rates of expenditure.
173. Electoral expenses.
174. Expenses allowed.
175. Candidate to file account of electoral expenses.
176. Payments to be vouched by bill.

**PART VII.—ELECTORAL OFFENCES.**

177. Offences.
178. Breach or neglect by officers.
179. Bribery.
180. Definition.
181. Undue influence.
182. Definition.
183. Exception.
184. Disqualification for bribery or undue influence.
185. Illegal practices.
186. Punishment.
187. Gifts by candidates.
188. Electoral offences.
189. Prohibition of canvassing near polling booth.
190. Witness to application must satisfy himself of truth of statements.
191. Failure to transmit claim.
192. Particulars for Electoral Census—penalty for neglect or refusal to furnish.
193. Employers to allow employees leave of absence to vote.
194. Offender may be removed from polling-booth.

Sec.

195. Further punishment.
196. Expenditure on behalf of a candidate.
197. Liability for indirect acts.
198. Attempts.
199. Certificate evidence.
200. Hard labour may be awarded.
201. Indictable offences.
202. Summary conviction.
203. Criminal Code not to apply to Parliamentary elections.

**PART VIII.—MISCELLANEOUS.**

204. Persons authorised to witness signatures.
205. Service.
206. Electoral matter to be sent by post.
207. Electoral matter may be sent by telegraph.
208. A person unable to write may make his mark.
209. Forms.
210. Regulations.
211. Repeal.

**FORMS.**

1. Declaration by Returning Officer.
2. Legislative Council electoral roll.
3. Legislative Assembly electoral roll.
4. Legislative Council electoral claim.
5. Legislative Assembly electoral claim.
6. Notice of rejection of claim.
7. Notice to cancel previous enrolment.
8. Objection to claim.
9. Declaration by a person whose name is objected to.
10. Registrar's objection to claim.
11. Objection to enrolment.
12. Registrar's objection to enrolment.
13. Application to substitute qualification.
14. Notice that application to substitute qualification is not in order.
15. Application to change name or address on roll.
16. Warrant for issue of writs for a general election.
17. Warrant for the use of a writ for a by-election.
18. Certificate of death of member.
19. Writ.
20. Nomination paper.
21. Postal ballot paper.
22. Appointment of presiding officers, poll clerks, and door-keepers.
23. Declaration by presiding officers, poll clerks, and door-keepers.
24. Ballot paper.
25. Declaration by scrutineer.
26. Return of electoral expenses.



# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XXVII.

\*\*\*\*\*

No. 27 of 1907.

AN ACT to regulate Parliamentary Elections.

[Assented to 20th December, 1907.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I.—PRELIMINARY.

1. This Act may be cited as the *Electoral Act*, 1907. Short title.
2. This Act shall come into operation on the first day of March, One thousand nine hundred and eight. Commencement.
3. This Act is divided into Parts as follows:— Division.

PART I.—PRELIMINARY, ss. 1-4.

PART II.—ADMINISTRATION, ss. 5-16

PART



## PART III.—ENROLMENT, ss. 17-61.

*Division (1).—Qualification of Electors.**Division (2).—Electoral Rolls.**Division (3).—Additions to Rolls.**Division (4).—Objections—**(i.) To Claims ;**(ii.) To Enrolment ;**(iii.) Powers of Magistrate.**Division (5).—Miscellaneous.*

## PART IV.—ELECTIONS, ss. 62-154.

*Division (1).—Writs.**Division (2).—Nominations.**Division (3).—Voting.**(i.) In absence ;**(ii.) At the Poll.**Division (4).—Counting the Votes.**Division (5).—Declaration of Poll and Return of the Writ.**Division (6).—After the Poll.*

## PART V.—DISPUTED RETURNS, ss. 155-171.

## PART VI.—LIMITATION OF ELECTORAL EXPENSES, ss. 172-176.

## PART VII.—ELECTORAL OFFENCES, ss. 177-203.

## PART VIII.—MISCELLANEOUS, ss. 204-211.

## Interpretation.

See 1904, No. 20,  
s. 3.

4. In this Act, unless the contrary intention appears,—
- “ Absolute majority of votes ” means a number of votes greater than one-half of the number of all the electors who vote at an election, exclusive of electors whose ballot papers are rejected as informal, but inclusive of the casting vote of the returning officer, when given.
- “ Assembly ” means the Legislative Assembly.
- “ By-election ” means any election other than a General Election.
- “ Candidate ” in Parts II., VI., and VII. includes any person who, within three months before the day of election, offers himself for election as a member of the Council or Assembly.
- “ Chief Electoral Officer ” means the officer for the time being appointed to that office, and includes a substitute.
- “ Christian name ” means the name or names prefixed to the surname of any person, whether received at Christian baptism or not.

“ Council ”

- “ Council ” means the Legislative Council.
- “ District ” means an Electoral District for the election of a member of the Assembly.
- “ Elector ” means any person whose name appears on a Roll as an elector.
- “ Electoral Census ” means any enumeration of persons eligible as electors for the Council or Assembly, made under the provisions of Part III. of this Act.
- “ Electoral Claim File ” means any appliance approved by the Minister for use by the Chief Electoral Officer or the Registrars for enrolling claims, pending their inclusion in any supplementary or amalgamated printed roll.
- “ General Election ” means:—
- (1.) Any election for the Assembly caused by effluxion of time or by the dissolution of the Assembly by the Governor;
  - (2.) Any election for the Council caused by the retirement of the senior member for each Province by effluxion of time.
- “ Local governing body ” means and includes the council of a municipality, the board of a road district, and any local board of health.
- “ Magistrate ” means a Government Resident, Police Magistrate, or Resident Magistrate, and includes any Justice of the Peace authorised by the Governor to hear and determine electoral appeals.
- “ Minister ” means the responsible Minister of the Crown charged for the time being with the administration of this Act.
- “ Naturalised ” means naturalised under a law of the United Kingdom, or of a Colony which has become a State of the Commonwealth, or of the Commonwealth, or of a State.
- “ Officer ” includes all persons appointed to any office under this Act, or exercising any power or discharging any duty thereunder.
- “ Parliament ” means the Parliament of Western Australia.
- “ Polling place ” means any building or structure in which the polling at elections is appointed to take place.
- “ Prescribed ” means prescribed by this Act or by the Regulations.
- “ President ” means the President of the Legislative Council.
- “ Proclamation ”

“Proclamation” means a proclamation by the Governor published in the “Government Gazette.”

“Province” means an Electoral Province for the election of members of the Council.

“Registrar” means an Electoral Registrar, and includes a substitute.

“Returning Officer” includes Deputy Returning Officer.

“Roll” means the electoral roll of a Province or District.

“Speaker” means the Speaker of the Legislative Assembly.

“Telegraph Office” means any office appointed for the receipt and transmission of telegraph messages.

“Writ” means a writ issued by the Clerk of the Writs directing a Returning Officer to proceed with the election of a member of the Council or Assembly.

## PART II.—ADMINISTRATION.

Chief Electoral  
Officer.

See 1904, No. 20,  
s. 5.

5. (1.) The Governor may, from time to time, appoint a Chief Electoral Officer who shall, under the Minister, be charged with the administration of this Act.

(2.) The Chief Electoral Officer in office at the commencement of this Act shall be deemed to have been appointed under this Act.

Registrars and  
Returning Officers.  
See 1904, No. 20,  
ss. 7-9.

6. The Governor may, from time to time, appoint such Registrars, Returning Officers, and Assistant Returning Officers as may be required to carry the provisions of this Act into execution.

Substitute.

7. (1.) The Governor may, during the absence or temporary incapacity of the Chief Electoral Officer or of any Registrar or Returning Officer, appoint a substitute to discharge the duties of such officer.

(2.) Every substitute appointed under this section shall, while so acting, have and may exercise all the duties, powers, and functions of the officer for whom he is acting.

Registrars.  
See 1904, No. 20,  
s. 7.

8. (1.) There shall be a Registrar for each Province and District.

(2.) The same person may be appointed Registrar for a Province and for a District, or for two or more Provinces and Districts.

Returning Officers.  
See 1904, No. 20,  
s. 8.

9. There shall be a Returning Officer for each Province and District.

**10.** The Returning Officer for each District shall be a Deputy Returning Officer for the Province within which his District is situated.

Deputy Returning Officers.  
See 1904, No. 20, s. 9.

**11.** A Registrar may be appointed Returning Officer for any Province or District.

Registrar may be Returning Officer.

**12.** Every person shall, upon being appointed to the office of Returning Officer, and before acting in such office, make and subscribe before a Justice of the Peace a declaration in the Form numbered (1) in the Schedule and lodge such declaration with the Chief Electoral Officer, who shall cause the same to be filed in his office.

Returning Officer's declaration.  
Q. 1905, No. 1, s. 45.  
Form (1.)

**13.** No person being a Returning Officer for any Province or District shall, without the consent of the Governor, resign his office after the issue of any writ for an election for such Province or District until such writ is executed and returned.

Resignation of Returning Officer after issue of Writ.

**14.** If the Returning Officer for any Province or District dies, resigns, leaves, or is removed, after the issue of a Writ for an election for such Province or District, the Governor may appoint some other person to be the Returning Officer in his place; and such writ, so far as it is not executed, may be executed and returned by the Returning Officer so appointed.

Death, resignation, or removal of Returning Officer after issue of Writ.

**15.** (1.) The Minister may, on the recommendation of the Chief Electoral Officer, appoint such temporary assistants as he may consider requisite for the due administration of this Act.

Temporary assistance.

(2.) The Public Service Act, 1904, shall not apply to temporary assistants appointed under this section.

**16.** (1.) No candidate, and no person holding any official position in connection with any political organisation or election committee, shall be appointed an officer under this Act.

Disqualification of officers.  
See 1904, No. 20, s. 11.

(2.) If any such officer knowingly becomes a candidate, or is elected, appointed, or otherwise becomes an official of any political organisation or election committee, he shall be deemed to have vacated the office held by him under this Act, and some other person shall be appointed in his stead.

### PART III.—ENROLMENT.

#### *Division (1).—Qualification of Electors.*

**17.** (1.) Subject to the disqualifications hereinafter set out, every person not under twenty-one years of age, who—

Qualification of Assembly electors.  
See 63 Vict., No. 19, s. 26.

(a.) is a natural born or naturalised subject of His Majesty; and

(b.) has resided in Western Australia for six months continuously; and

(c.) has resided in the district for which he claims to be enrolled for a continuous period of one month immediately preceding the date of his claim, shall be entitled, subject to the provisions of this Act, to be enrolled as an elector, and when enrolled, and so long as he continues to reside in the district for which he is enrolled, to vote at the election of a member of the Legislative Assembly for that district.

Provided that an elector who has changed his place of residence to another district may, until his name is transferred to another roll, vote for the district in which his name continues enrolled at any election held within three months after he has ceased to reside in the district.

(2.) For the purposes of this Act a person shall be deemed to have resided within the district wherein he has his usual place of abode, notwithstanding his occasional absence from such district.

(3.) Any member of the Legislative Assembly, and the wife of any member of the Legislative Assembly, may claim to be enrolled for the district represented by such member, and when so enrolled shall be deemed to reside in such district.

(4.) A person shall not be entitled to be enrolled at the same time on more than one Assembly roll.

**Disqualifications.**

See 63 Vict., No. 19,  
s. 28.

**18.** Every person, nevertheless, shall be disqualified from being enrolled as an elector, or, if enrolled, from voting at any election, who

- (a.) is of unsound mind; or
- (b.) is wholly dependent on relief from the State or from any charitable institution subsidised by the State, except as a patient under treatment for accident or disease in a hospital; or
- (c.) has been attainted of treason, or has been convicted and is under sentence or subject to be sentenced for any offence punishable under the law of any part of the King's dominions by imprisonment for one year or longer; or
- (d.) is an aboriginal native of Australia, Asia, Africa, or the Islands of the Pacific, or a person of the half-blood.

*Division (2)—Electoral Rolls.*

**Electoral rolls.**

See 1904, No. 20,  
s. 18.

Rolls to be kept by  
Registrars.

See 1904, No. 20,  
s. 17.

Existing rolls.

**19.** There shall be a roll of electors for each Province and District.

**20.** The roll for each Province and District shall be kept by the Registrar.

**21.** Until new rolls prepared under this Act come into operation, the rolls in existence at the commencement of this Act shall, as altered from time to time, be the rolls of electors.

**22.** (1.) Rolls may be in the forms numbered (2) and (3) respectively in the Schedule, and shall describe the surname, christian name, sex, residence, and occupation of each elector, and shall contain such other particulars as may be prescribed.

Form of rolls.  
Forms (2) and (3).

(2.) The Council rolls shall also state the qualification of each elector.

**23.** (1.) The rolls shall be arranged in lexicographical order of surnames, and where the surnames are identical, then in lexicographical order of the christian names.

Arrangement of rolls.  
See 1904, No. 20, s. 20.

(2.) The names appearing on the roll shall be numbered in regular, progressive arithmetical order, commencing with number one for the first name.

(3.) In the supplementary roll the first name shall have the number next following that which is set against the last name on the general roll.

**24.** The rolls shall be printed, and issued under the hand of the Chief Electoral Officer, whenever he thinks fit.

Printing of rolls.  
See 1904, No. 20, s. 23.

**25.** A printed copy of the roll of every Province and District shall be kept for inspection by the public at the office of the Registrar, and at such other convenient places within such Province or District as the Chief Electoral Officer may from time to time determine.

Copies to be kept for public inspection.

**26.** Supplementary rolls, setting out additions and alterations since the last print, shall be printed and issued under the hand of the Registrar for each Province and District—

Supplementary rolls.  
See 1904, No. 20, s. 24.

(a.) as soon after the last day of March, June, September, and December in each year as practicable, and not later than the last day of the month next following; and

(b.) immediately after the issue of the writ for any general election or by-election:

Provided that if it is not practicable to print any supplemental roll after the issue of the writ, such supplemental roll may be issued in written form.

**27.** In the printing of the second and subsequent supplementary rolls, all the names in the last preceding supplementary roll shall be incorporated in lexicographical order, so that such roll for the last day of June shall contain all the names included in such roll for the last day of March, and so on until a new roll or an amalgamated roll is prepared and issued as hereinafter provided.

Incorporation of supplementary rolls.  
Q. 1905, No. 1, s. 37.

**28.** (1.) Whenever the Minister so directs, the roll and any supplementary roll may be printed in an amalgamated form.

Amalgamation of rolls.

(2.) Digitized by Google

(2.) In the preparation of such amalgamated roll, the provisions of section twenty-three shall be observed.

(3.) Every amalgamated roll shall have printed upon it in a conspicuous place an indication of what roll and supplementary roll it is an amalgamation, giving the number and date of such rolls.

Rolls to be dated.

**29.** Each new or amalgamated roll shall be dated with the date of its completion.

Supplementary rolls to be numbered and dated.

**30.** (1.) The supplementary rolls shall be numbered in regular progressive arithmetical order. The first issue following upon a new roll, or an amalgamated roll as aforesaid, shall be supplementary roll No. 1, and subsequent rolls numbered consecutively.

(2.) The date to which a supplementary roll is made up shall also appear on such roll.

Arrangement with Commonwealth.  
See Com. 1902-1905, s. 30.

**31.** (1.) The Governor may arrange with the Governor General of the Commonwealth for the preparation, alteration, and revision of the Assembly rolls, in any manner consistent with the provisions of this Act, jointly by the State and the Commonwealth, to the intent that the rolls may be used as electoral rolls for Commonwealth elections as well as State elections.

(2.) When any such arrangement has been made, the rolls may contain, for the purposes of such Commonwealth elections,—

(a.) The names and descriptions of persons who are not entitled to be enrolled thereon as electors of the State, provided that it is clearly indicated in the prescribed manner that those persons are not enrolled thereon as State electors;

(b.) Distinguishing marks against the names of persons enrolled as State electors, to show that those persons are, or are not also enrolled as Commonwealth electors;

(c.) Other particulars in addition to the prescribed particulars; and for the purposes of this Act the names and descriptions, marks, and particulars so contained, shall not be deemed part of the roll.

The rolls.

**32.** The latest printed or written rolls filed in the office of the Registrar as altered from time to time, as hereinafter provided, together with the names for the time being enrolled upon the electoral claim file, shall be deemed to constitute the roll for the Province or District.

Inspection of rolls by the public.  
See 1904, No. 20, s. 25.

**33.** The roll and supplementary roll for each Province or District shall be open for public inspection without fee, at the Registrar's

Registrar's office, on any week day during the hours the office is open, and the latest printed copies thereof shall be obtainable at the prescribed price not exceeding one shilling.

**34.** No roll or other document shall be invalidated by reason only that it is not printed, kept, or published in the place or manner or for the time required for such purposes respectively, nor by reason of any error in the copying or printing of the same.

Rolls and documents not to be invalidated.  
N.Z. 1905, No. 29, s. 69.

**35.** All public officers in the service of the State, and all officers in the service of any local governing body are hereby authorised and required to furnish to the Chief Electoral Officer or any of his officers all such information as he requires to enable him to prepare or to revise the rolls.

Officers to furnish information.

**36.** The Chief Electoral Officer shall from time to time inspect the various Registrars' offices and the rolls kept by each Registrar, and forward to the Minister such recommendation for the more efficient conduct of such offices, or the keeping of the rolls as he may deem expedient.

Chief Electoral Officer to inspect District offices and rolls.

**37.** A new roll for any Province or District, and new rolls generally, shall be prepared under the supervision of, and issued by, the Chief Electoral Officer, whenever directed by proclamation, and shall come into operation at the date stated in the same or any subsequent proclamation.

New rolls.  
See 1904, No. 20, s. 27.

**38.** New rolls shall be prepared in the manner specified in the proclamation, or prescribed by the regulations.

How prepared.

**39.** (1.) New rolls for the whole or any portion of the State shall, if the Governor so orders, be prepared from the results obtained by means of an electoral census to be taken for that purpose.

Electoral census.  
See 1904, No. 20, s. 28.

(2.) Such electoral census shall be taken under the direction and superintendence of the Chief Electoral Officer, in the manner prescribed by regulations, and at such time or times as the Governor may direct.

(3.) In such portion or portions of the State for which an electoral census may be ordered, the result of such census shall alone be used for the purpose of preparing new rolls.

**40.** (1.) In preparing new rolls,—

(a.) The names of all persons who appear to be qualified shall be inserted; and

(b.) The names of all persons—

(i.) who, from information supplied by the Registrar General of Deaths, appear to be dead, or who, from information supplied by the Inspector General of the Insane, the Superintendent of Public Charities, and the Comptroller General of Prisons appear to be disqualified; or

Names to be inscribed from existing rolls, etc.  
See 1904, No. 20, s. 29.



- (ii.) who appear to be otherwise disqualified; or
- (iii.) in the case of Assembly rolls, who do not appear to reside in the district,

shall be omitted.

(2.) The Chief Electoral Officer shall forthwith give notice to any person whose name is omitted, if such name appears on an existing roll for the same Province or District.

(3.) If the person to whom such notice is given makes and sends in a claim to be enrolled, and such claim appears to the Chief Electoral Officer to be in order, he shall enrol the claimant.

(4.) If the Chief Electoral Officer rejects such claim, he shall forthwith give notice thereof to the claimant; and the claimant may, within the prescribed time, appeal from the rejection of his claim to a magistrate, and the provisions of Division (4) of this Part shall apply.

#### *Division (3).—Additions to Rolls.*

Addition of names.  
See 1904, No. 20,  
s. 31.

**41.** New names may be added to rolls by the Registrars pursuant to claims.

Form of claim.

**42.** Claims—

Forms (4) and (5.)  
See 1904, No. 20,  
s. 32.

- (a.) may be in the forms numbered (4) and (5) in the Schedule,
- (b.) shall be made out in duplicate and signed by the claimant in the presence of a person authorised by this Act to witness the signatures of claimants, and
- (c.) shall be sent in duplicate to the Registrar keeping the roll on which the claimant claims to be enrolled.

Claims, how dealt with.

**43.** (1.) Immediately upon the receipt of a claim the Registrar shall—

- (a.) insert therein the date of its receipt; and
- (b.) file the claim provisionally.

(2.) Claims shall be open for public inspection, without fee, at the Registrar's office on any week day during the hours the office is open.

Essential particulars.

**44.** (1.) The essential parts of a claim shall be—

- (a.) the surname and christian names in full of the claimant;
- (b.) the residence of the claimant;
- (c.) the usual signature of the claimant in his own handwriting; and
- (d.) if the claim is for enrolment for a Province, the qualification of the claimant.

(2.) If the residence of the claimant is within a municipal district or townsite, the name of the street and the number of the house, if numbered, shall be stated, and if not numbered, such particulars shall be given as, in the opinion of the Registrar, are sufficient to enable the exact locality of the claimant's residence to be ascertained.

(3.) If the residence of a claimant is not within a municipal district or townsite, his residence shall be stated with such particulars as are, in the opinion of the Registrar, sufficient to enable the exact locality of the claimant's residence to be ascertained.

(4.) Any claim that does not comply with this section shall be rejected, and notice thereof in the form numbered (6) in the Schedule shall be given by the Registrar to the claimant. Form (6).

**45.** If the claim is in order, and is not objected to, the Registrar shall, at the expiration of fourteen days from its receipt— Registration of claims.  
See 1904, No. 20,  
s. 33.

- (a.) indorse the claim as approved;
- (b.) enrol the claimant by filing the claim on the electoral claim file in the prescribed manner;
- (c.) send the duplicate claim to the Chief Electoral Officer; and
- (d.) if the elector's name is on the roll for any other District, forthwith send to the Registrar of such District a notice in the form numbered (7) in the Schedule, and the Registrar receiving such notice shall forthwith Form (7).
  - (i.) remove the elector's name from the roll, if his name is on the printed roll; or
  - (ii.) remove the elector's claim from the electoral claim file if the elector's name is not on the printed roll,

and advise the Registrar from whom the notice was received of such removal by means of the memorandum affixed to the form numbered (7).

#### *Division (4).—Objections.*

##### *(i.) To Claims.*

**46.** (1.) The claim of any person to be enrolled may be objected to— Objections to claims.

- (a.) by any elector enrolled on the same roll; or
- (b.) by the Registrar.

It shall be the duty of the Registrar to object to any claim if he has reason to believe that the claimant is not entitled to be enrolled.

(2.) If the objection is by an elector, the following provisions shall apply:— By electors.

(a.) Digitized by Google

Form (8).

- (a.) The objection shall be in writing lodged in duplicate with the Registrar, setting forth the grounds thereof, and may be in the form numbered (8) in the Schedule.
- (b.) The sum of two shillings and sixpence shall be deposited with the Registrar, and shall be forfeited if the objection is held not to be reasonable.
- (c.) The Registrar shall set down the objection for hearing before a Magistrate, who shall appoint a day and place for the hearing.
- (d.) The Registrar shall give notice in writing to the objector, and the person objected to, of the day and place appointed for the hearing, and a copy of the objection, setting forth the grounds thereof, shall be sent therewith to the person objected to.
- (e.) The person objected to may, on the hearing of the objection, either—
  - (i.) Appear in person to prove his claim, or
  - (ii.) Appear by an agent appointed in writing under his hand, or
  - (iii.) Forward by post, addressed to the Registrar, a statement made by the person objected to and signed before another elector of the same District or Province, setting forth reasons for his remaining on the roll.
- (f.) The Magistrate shall hear and determine the objection, and may direct the Registrar to enrol the claimant or to reject the claim, but no grounds of objection shall be entertained except such as are specifically set forth in the objection lodged as aforesaid.
- (g.) If a writ is issued for an election before the objection is heard and determined, and the claim was received by the Registrar not less than fourteen days before the issue of the writ, it shall be the duty of the Registrar to enrol the claimant.

Provided that the Registrar shall place a mark in the prescribed manner against the claimant's name when enrolled, and no person whose name is so marked shall be entitled at any election to obtain a ballot paper and record his vote unless he has delivered to the presiding officer a declaration duly made by himself in the form numbered (9) in the Schedule.

Form (9).

(3.) If the objection is by the Registrar, the following provisions shall apply:— By the Registrar.

(a.) The Registrar shall give notice of objection to the claimant setting forth—

- (i.) the grounds of objection; and
- (ii.) that unless notice of appeal is given within a time stated (not being less than seven days), the claim will be rejected.

The notice of objection may be in the form numbered Form (10).  
(10) in the Schedule, and a form of notice of appeal shall be annexed thereto.

(b.) If notice of appeal is not duly given, the Registrar may reject the claim.

(c.) If notice of appeal is duly given, the Registrar shall set down the objection for hearing before a Magistrate, who shall appoint a day and place for the hearing.

(d.) The Registrar shall give notice to the claimant of the day and place appointed for the hearing.

(e.) The Magistrate shall hear and determine the objection, and may direct the Registrar to enrol the claimant or reject the claim, as he thinks fit, but no grounds of objection shall be entertained except such as are specifically set forth in the notice of objection.

(f.) If a writ is issued for an election before the appeal is heard and determined, and the claim was received by the Registrar not less than fourteen days before the issue of the writ, it shall be the duty of the Registrar to enrol the claimant:

Provided that the Registrar shall place a mark in the prescribed manner against the claimant's name when enrolled, and no person whose name is so marked shall be entitled at any election to obtain a ballot paper and record his vote unless he has delivered to the presiding officer a declaration duly made by himself in the form numbered (9) in the Schedule. Form (9).

#### (ii.) *To Enrolment.*

47. (1.) Any name on the roll may be objected to—

- (a.) by an elector registered on the same roll; or
- (b.) by the Registrar.

Objections to enrolment.

(2.)

By electors.

(2.) If the objection is by an elector, the following provisions shall apply:—

Form (11).

- (a.) The objection shall be in writing lodged in duplicate with the Registrar, setting forth the grounds thereof, and may be in the form numbered (11) in the Schedule.
- (b.) The sum of two shillings and sixpence shall be deposited with the Registrar, and shall be forfeited if the objection is held not to be reasonable.
- (c.) The Registrar shall set down the objection for hearing before a Magistrate, who shall appoint a day and place for the hearing.
- (d.) The Registrar shall give notice to the objector and the person objected to of the day and place appointed for the hearing, and a copy of the objection, setting forth the grounds thereof, shall be sent therewith to the person objected to.
- (e.) The person objected to may, on the hearing of the objection, either—
  - (a.) Appear in person to prove his claim, or
  - (b.) Appear by an agent appointed in writing under his hand, or
  - (c.) Forward by post, addressed to the Registrar, a statement made by the person objected to and signed before another elector of the same District or Province, setting forth reasons for his remaining on the roll.
- (f.) The Magistrate shall hear and determine the objection, and may direct the Registrar to retain the name on the roll, or to strike the name off the roll, or to make such amendment as may be necessary according to such determination; but no grounds of objection shall be entertained except such as are specifically set forth in the objection lodged as aforesaid.
- (g.) No objection shall be entertained by the Magistrate unless notice thereof is served upon the person objected to in sufficient time to admit of the objection being determined before the issue of a writ for an election in the Province or District, as the case may be, and the name of the person so objected to shall not be removed from the roll, notwithstanding such objection, unless the objection has been so determined.

(3.) If the objection is by the Registrar, the following provisions shall apply:—

(a.)

(a.) The Registrar shall give notice of objection to the person objected to, setting forth— By the Registrar.

- (i.) the grounds of objection; and
- (ii.) that unless notice of appeal is given within a time stated (not being less than seven days), the name of the elector will be struck off the roll.

The notice of objection may be in the form numbered (12) in the Schedule, and a form of notice of appeal shall be annexed thereto. Form (12).

- (b.) If notice of appeal is not duly given, the Registrar may strike the name off the roll.
- (c.) If notice of appeal is duly given, the Registrar shall set down the objection for hearing before a Magistrate, who shall appoint a day and place for the hearing.
- (d.) The Registrar shall give notice to the person objected to of the day and place appointed for the hearing.
- (e.) The Magistrate shall hear and determine the objection, and may direct the Registrar to retain the name on the roll, or to strike the name off the roll, or to make such amendment as may be necessary according to such determination; but no grounds of objection shall be entertained except such as are specifically set forth in the notice of objection.
- (f.) If a writ is issued for an election before the appeal is heard and determined the appeal shall lapse, but the name of the person objected to shall not be removed from the roll:

Provided that the Registrar shall place a mark in the prescribed manner against the elector's name on the roll, and no person whose name is so marked shall be entitled at any election to obtain a ballot paper and record his vote unless he has delivered to the presiding officer a declaration duly made by himself in the form numbered (9) in the Schedule Form (9).

(4.) The name of every elector whose enrolment is objected to shall be publicly exhibited outside such place or places as the Chief Electoral Officer may direct, and maintained there until the objection is heard and determined.

(iii.) *Powers of Magistrate.*

48. (1.) The Magistrate shall, for the purposes of this Part of this Act, be deemed to be and shall have all the powers of a court of Powers of Magistrate.  
petty

petty sessions, and if any objection, except an objection by the Registrar, is held not to be reasonable, may make such order as to costs as he thinks fit.

(2.) If the parties to any proceeding appear by an authorised agent, the Magistrate may, if he deems it necessary, adjourn the hearing for the attendance of any party in person, and may make an order requiring his attendance accordingly.

(3.) The Magistrate shall make such order for the forfeiture or return of the sum deposited with the objection as he thinks fit.

*Division (5).—Miscellaneous.*

Substitution of  
qualification.

**49.** (1.) Any elector for a Province may apply to substitute for his registered qualification any other sufficient qualification.

Form (13).

(2.) The application shall be in writing in the form numbered (13) in the Schedule, signed by the applicant, and delivered or sent by post, in duplicate, to the Registrar.

(3.) If the application is in order, the Registrar shall forthwith make the necessary alteration of the roll, and forward the duplicate to the Chief Electoral Officer after indicating thereon that the alteration has been made.

Form (14).

(4.) If the application appears to the Registrar not to be in order he shall give notice to the applicant in the form numbered (14) in the Schedule.

Removal of names  
repeated on roll.

**50.** Whenever in the opinion of the Chief Electoral Officer the name of the same person appears more than once on the same roll, or on more than one Assembly roll, he shall direct the Registrar to remove from the roll every such name except the latest enrolled name, and the Registrar shall forthwith remove such names accordingly.

Alteration of rolls.  
See 1904, No. 20,  
s. 38.

**51.** In addition to the other powers of alteration conferred by this Act, rolls may be altered by the Registrar as follows:—

Form (15).

(a.) By correcting any obvious mistake or omission, but not to the extent of wholly removing a name from the roll except where a name is repeated.

(b.) By removing the name of any person who requests in writing that his name may be removed from the roll.

(c.) By changing, upon the written application of an elector in the form numbered (15) in the Schedule, the original name or address of the elector to an altered name or address.

(d.) By changing, pursuant to an order in writing under the hand of the Chief Electoral Officer, the maiden name of a female elector to her married name.

(e.)

- (e.) By removing, pursuant to an order in writing under the hand of the Chief Electoral Officer, the names of persons reported as being—
- (i.) dead;
  - (ii.) of unsound mind;
  - (iii.) inmates of any public charitable institution;
  - (iv.) convicted, or subject to be sentenced, for an offence disqualifying them as electors for the time being;
  - (v.) already enrolled in another district, or whose names are repeated on the same roll.
- (f.) By re-instating, pursuant to an order in writing under the hand of the Chief Electoral Officer, any name struck off by mistake under the last preceding subsection.

**52.** Claims received not less than fourteen days before the issue of the writ for an election may be enrolled after the issue of the writ, and alterations of the rolls pursuant to applications or directions received under sections forty-nine or fifty before the issue of the writ for an election may be made after the issue of the writ, but otherwise no addition to or alteration of the roll shall be made between the date of the issue of the writ for an election and the closing of the poll at the election.

Time for altering rolls.  
See 1904, No. 20, s. 40.

**53.** (1.) All alterations of the rolls shall be made in such manner that the original writing or print shall not be obliterated, and the reason for the alteration, the date thereof, and such reference to authority as may be deemed necessary, shall be set against the alteration together with the initials of the Registrar making such alteration.

Alterations, how to be made.  
See 1904, No. 20, s. 41.

(2.) The Registrar shall forthwith give notice to the Chief Electoral Officer of every alteration of the rolls.

**54.** A name shall be deemed to be removed from the roll when a line in ink is drawn through the name and a note stating the ground of removal made opposite thereto, with such reference to authority as may be deemed necessary, and initialed and dated by an officer authorised to remove such name from the roll.

Method of removing names from a printed roll.  
N.Z. 1905, No. 29, s. 56.

**55.** The Registrar General of Births, Deaths, and Marriages shall, during the months of January, April, July, and October in every year, forward to the Chief Electoral Officer—

Registrar General to furnish quarterly lists.  
See 1904, No. 20, s. 42.

- (a.) A list, in the prescribed form, containing the names, address, occupation, and age at the time of death of every person not under twenty-one years of age, whose death has been registered in each Registry District respectively during the preceding three months;



- (b.) A list, in the prescribed form, of the maiden name, residence, and occupation as disclosed by the marriage certificate of every woman not under twenty-one years of age, whose marriage has been registered in each Registry district respectively during the preceding three months, as well as particulars of the name, residence, and occupation of her husband.

Inspector-General of the Insane to furnish quarterly lists.

**56.** The Inspector-General of the Insane shall, during the months of January, April, July, and October in each year, forward to the Chief Electoral Officer a list, in the prescribed form, containing the names and age and the address and occupation immediately prior to the date of reception, of every person not under twenty-one years of age who has been received by him as an inmate of any hospital or reception house for the insane during the preceding three months, and who continues an inmate of such hospital or reception house.

Superintendent of Public Charities to furnish quarterly lists.

**57.** The Superintendent of Public Charities shall, during the months of January, April, July, and October in each year, forward to the Chief Electoral Officer, in the prescribed form, a list containing the names, age, address, and previous occupation of every person not under twenty-one years of age who has been received as an inmate of any public charitable institution for the reception, maintenance, and care of indigent persons, other than a hospital, during the preceding three months, and who continues in receipt of such relief.

Comptroller-General of Prisons to furnish quarterly lists.

**58.** The Comptroller-General of Prisons shall, during the months of January, April, July, and October in each year, forward to the Chief Electoral Officer, in the prescribed form, a list containing the names and age, and the address and occupation prior to conviction, of every person sentenced for any offence punishable by law by imprisonment for one year or longer, received by him in each of His Majesty's gaols during the preceding three months.

Chief Electoral Officer to cause certain names to be struck off the rolls.

**59.** (1.) Upon receipt of the lists referred to in section fifty-five, subsection (a), and sections fifty-six, fifty-seven, and fifty-eight, the Chief Electoral Officer shall cause the names of such persons enumerated in such lists, as are enrolled as electors for the Council and Assembly, to be ascertained.

(2.) He shall thereupon cause lists of such names as are, to his satisfaction, identical with the names on the lists above referred to, to be prepared in respect of each Province or District, and shall forward the lists to the Registrars, together with an order in writing under his hand, authorising the Registrar to strike off the roll, or remove from the electoral claim file, the names of the persons who appear on such lists, and the Registrar shall forthwith remove such names accordingly.

**60.** (1.) Upon receipt of the lists referred to in section fifty-five, subsection (b), the Chief Electoral Officer shall cause the names of the married women enumerated in such lists, who are enrolled as electors for the Council and Assembly, to be ascertained under the maiden surname of such married women.

Chief Electoral Officer to cause certain names to be altered.

(2.) He shall thereupon cause lists of such maiden names as are, to his satisfaction, identical with the names on the lists above referred to, to be prepared in respect of each Province or District, and shall forward the lists to the Registrars, together with an order in writing under his hand authorising the Registrars to remove from the roll the name of every woman who is named on such lists, and in lieu thereof (where necessary) to insert her married name in its lexicographical order.

(3.) If for any reason such alteration is not made before the issue of the writ, then such woman shall, if qualified to vote for that Province or District, be entitled to vote in right of her former name as appearing on the roll.

**61.** Every person whose name has been removed from any roll under the provisions of section fifty-nine, pursuant to the lists furnished under sections fifty-six, fifty-seven, and fifty-eight, may, when no longer disqualified, claim, in the manner prescribed in section forty-two, to have his name entered upon any roll for which he possesses the necessary qualification.

Method for restitution of electoral registration.

#### PART IV.—ELECTIONS.

##### *Division (1).—Writs.*

**62.** (1.) The Governor may, from time to time, appoint a Clerk of the Writs, by whom writs for the election of members of the Council and the Assembly shall be issued, and to whom such writs shall be returned.

Appointment of Clerk of the Writs. N.Z. 1905, No. 29, s. 89.

(2.) There shall be a Deputy Clerk of the Writs, to be appointed in like manner, who shall act when the Clerk of the Writs is unable to act.

**63.** (1.) For every general election the Governor may, within the time prescribed by the Constitution Acts Amendment Act, 1899, in the case of the biennial vacancies in the Council, and not later than seven days after the day of the dissolution or expiry of the then last Parliament in the case of the Assembly, by warrant under his hand in the form numbered (16) in the Schedule, direct the Clerk of the Writs to issue writs for the election.

Writs for general election to issue within seven days. N.Z. 1905, No. 29, s. 90.

Form (16).

(2.) On the receipt of such warrant the Clerk of the Writs shall forthwith cause writs to be issued to the several Returning Officers.

Notice to be published.

**64.** Before any warrant is issued under the last preceding section fourteen days' notice of the intention to issue the same shall be published in the "Government Gazette."

General elections to be held on same day.

Com. 1902-1905, s. 9.

Issue of writs in cases of vacancy.

See 63 Vict., No. 19, s. 30.

**65.** In the case of a general election for the Assembly, the same day shall be fixed by the writ for the polling in each District.

Form (17).

**66.** (1.) Whenever a vacancy occurs in either House from any cause (otherwise than by the effluxion of time in the case of a member of the Council), the President or Speaker, as the case may be, upon a resolution by the House declaring such vacancy and the cause thereof, shall by warrant under his hand, in the form numbered (17) in the Schedule, direct the Clerk of the Writs to issue a writ to supply the vacancy.

Form (17).

(2.) In the case of a vacancy caused by death or resignation, or the acceptance of any of the principal executive offices of the Government liable to be vacated on political grounds, or by the decision of the Court of Disputed Returns, the President or Speaker may, without such preceding resolution when Parliament is not in session, or when such vacancy occurs during any adjournment for a longer period than seven days of the House affected, by warrant under his hand, in the form numbered (17) in the Schedule, direct the Clerk of the Writs to issue a writ to supply the vacancy.

(3.) If at the occurrence of any such vacancy caused by death, resignation, or acceptance of office, or a decision of the Court of Disputed Returns, there is no President or Speaker of the House affected, and Parliament is not in session, or if the President or Speaker of the House affected is absent from the State, the Governor shall, if satisfied of the existence of such vacancy, by warrant under his hand direct the Clerk of the Writs to issue a writ for the election of a member for the seat so vacated.

(4.) Every such warrant shall be issued by the President or Speaker, or by the Governor, as the case may require, as soon as—

Form (18).

(a.) in the case of death he shall receive notice by a certificate in the form numbered (18) in the Schedule, under the hands of two members of the House of which the deceased was a member, of the death of such member; and

(b.) in the case of acceptance of office as aforesaid, as soon as the appointment of such member has been published in the "Government Gazette," and notified by the Minister to the President or Speaker, or to the Governor, as the case may be, and such appointment and notification it shall be the duty of the Minister to publish and give forthwith:

Provided that any such warrant may be issued notwithstanding no such notice has been received or appointment published as aforesaid, if the President or Speaker, or the Governor, as the case may be, is satisfied of the existence of the vacancy.

(5.) Whenever a vacancy occurs by reason of any of the disqualifications mentioned in section thirty-one, subsection (5) and section thirty-eight, subsection (2) of the Constitution Acts Amendment Act, 1899, it shall be the duty of the Registrar in Bankruptcy forthwith to give notice thereof in writing to the President or the Speaker, as the case may be, if within the State, and otherwise to the Governor, and on receipt of such notice the President or Speaker, as the case may be, if within the State, or otherwise the Governor, shall forthwith, by warrant under his hand, direct the Clerk of the Writs to issue a writ for the election of a member to supply the vacancy.

**67.** (1.) The Clerk of the Writs shall, forthwith after the receipt of a warrant under the hand of the Governor, President, or Speaker, issue the writs or writ for the election. Issue of writs.

(2.) Every writ shall be deemed to have been issued at the commencement of the day on which it was issued.

**68.** Writs may be in the form numbered (19) in the Schedule, and shall fix the dates for— Form of writs.  
See 1904, No. 20,  
s. 62.  
Form (19).

- (a.) the nomination ;
- (b.) the polling ; and
- (c.) the return of the writ.

**69.** The date fixed for the nomination of candidates shall not be less than seven nor more than thirty days from the date of the writ. Date of nomination  
See 1904, No. 20,  
s. 63.

**70.** The date fixed for the polling shall not be less than seven days nor more than thirty days after the date of nomination. Date of polling.  
See 1904, No. 20,  
s. 64.

**71.** The date fixed for the return of the writ shall not be more than sixty days after the issue of the writ. Date of return of  
writ.  
See 1904, No. 20,  
s. 65.

**72.** The Clerk of the Writs shall cause notice of his intention to issue the writ to be sent by telegraph to the Registrar of the Province or District for which the election is to be held, stating the date on which the writ will be issued. Notice to Registrars  
of issue of writ.  
N.Z. 1905, No. 29,  
s. 95.

**73.** Writs shall be addressed to the Returning Officer for the Province or District for which an election is to be held. Address of writs.  
See 1904, No. 20,  
s. 66.

**74.**

Duty of Returning Officer on receipt of writ.

See 1904, No. 20, s. 67.

**74.** On the receipt of a writ the Returning Officer to whom it is directed shall—

- (a.) indorse thereon the date of its receipt;
- (b.) advertise its receipt and particulars in a newspaper circulating in the Province or District, or by placards or otherwise, and the dates fixed for the nomination and the polling, giving at least ten clear days' public notice of the day of polling and the places at which the poll will be taken; and
- (c.) in the case of a Council election, forward a copy of the writ to each Deputy Returning Officer.

Extension of time.

See 1904, No. 20, ss. 63-65.

**75.** Subject to the provisions of section eight of the Constitution Acts Amendment Act, 1899, the Governor may extend the time appointed for the nomination of candidates, the taking of the poll, or the return of the writ for any election.

Provided that—

- (a.) public notice shall be forthwith given in the Province or District in which the election is to be held of any extension of the time for taking the poll;
- (b.) no extension of the time for taking the poll shall be made under this section at any time later than seven days before the time originally appointed.

#### *Division (2).—Nominations.*

Candidates to nominate.

See 1904, No. 20, s. 68.

**76.** (1.) No person shall be capable of being elected as a member of the Council or Assembly unless he—

- (a.) duly nominates himself; and
- (b.) is qualified to be elected as a member of the Council or Assembly, as the case may be.

(2.) No person shall nominate himself as a candidate for more than one Province or District at the same general election.

Mode of nomination.

Form (20).

See 1904, No. 20, s. 69.

**77.** Nominations may be in the form numbered (20) in the Schedule, and shall—

- (a.) be signed by the candidate;
- (b.) state the place of residence and occupation of the candidate; and
- (c.) be addressed to the Returning Officer.

Time for receipt.

Com. 1902-1905, s. 101.

**78.** Nominations may be received by the Returning Officer at any time after the issue of the writ and before the hour of nomination.

**79.** It shall suffice if the nomination paper is lodged at any telegraph office and the contents are communicated to the Returning Officer by telegraph.

Nominations may be telegraphed.  
See 1904, No. 20, s. 70.

**80.** No nomination shall be valid unless—

Requisites for nomination.  
See 1904, No. 20, s. 71.

- (1.) The nomination paper or nomination by telegraph is received by the Returning Officer after the issue of the writ and before the hour of nomination; and
- (2.) The person nominated, or some person on his behalf, deposits the sum of twenty-five pounds in money—
  - (a.) with the Returning Officer at or before the hour of nomination; or
  - (b.) at the Treasury in Perth, in which case notice from the Under Treasurer that the money is deposited must be received by the Returning Officer before the hour of nomination.

**81.** Any candidate may withdraw his nomination by lodging with the Returning Officer notice in writing of such withdrawal at any time not later than seven clear days before polling day, and in such case the deposit shall be forfeited to the King.

Withdrawal of nomination.  
Com. 1902-1905, s. 105 (a.)

**82.** No nomination paper shall be rejected by reason of any defect or error therein, if the Returning Officer is satisfied that the provisions of this Act have been substantially complied with.

Formal defects.  
See 1904, No. 20, s. 72.

**83.** (1.) The deposit made by or on behalf of a person nominated shall be retained pending the election, and after the election shall be returned unless the person by or on whose behalf it was made fails to obtain at the election a number of votes above one-fifth of the number of votes polled by the successful candidate, in which case the deposit shall be forfeited to the King:

Deposit to be forfeited in certain cases.  
See 1904, No. 20, s. 73.

Provided that, in computing the number of votes for the purposes of this section when there are more candidates than two, only the first preference votes shall be reckoned.

(2.) On the death of a candidate before the election, the deposit made on behalf of such candidate shall be paid to his legal representative.

**84.** The chief polling place for the Province or District, as the case may be, shall be the place of nomination.

Place of nomination.  
See 1904, No. 20, s. 74.

**85.** (1.) Twelve o'clock noon on the day of nomination shall be the hour of nomination, and the Returning Officer shall, on the day of nomination, attend between the hours of eleven a.m. and twelve noon at the place of nomination, for the purpose of receiving nominations.

Hour of nomination.  
See 1904, No. 20, s. 75.

(2.) At the hour of nomination the Returning Officer shall publicly produce all nomination papers received by him between the issue of the writ and the hour of nomination, and declare the names, occupations, and residences of all candidates nominated, and immediately forward to the Chief Electoral Officer at Perth, by telegraph or other expeditious means, the names and other particulars of the several candidates nominated, and also advertise the same in a newspaper circulating within the Province or District.

(3.) Before attending the chief polling place for the purpose of receiving the nominations, the Returning Officer shall ascertain the correct time; and in any dispute that may arise as regards time the Returning Officer's decision shall be final.

Proceedings on nomination day.  
See 1904, No. 20,  
s. 76.

**86.** The Returning Officer shall declare the candidate or candidates nominated to be duly elected if no greater number are nominated than are required to be elected; but otherwise the proceedings shall stand adjourned to polling day.

Withdrawal or death of candidate after nomination.  
See 1904, No. 20,  
s. 77.

**87.** If after the nominations have been declared, and before polling day, any candidate withdraws his nomination or dies, and there remains only one candidate, such candidate shall forthwith be declared to be elected and the writ returned.

Failure of election.  
See 1904, No. 20,  
s. 78.

**88.** (1.) Whenever an election fails, a new writ shall forthwith be issued for a supplementary election.

(2.) An election shall be deemed to have failed if no candidate is nominated or returned as elected.

### *Division (3).—Voting.*

#### *(i.) In absence.*

Voting by post.  
See 1904, No. 20,  
s. 79.

**89.** (1.) Any elector—

(a.) who has reason to believe that he will, on polling day, be more than seven miles from any polling place at which he is entitled to vote; or

(b.) who, being a woman, believes that she will, on account of ill health, be unable, on polling day, to attend a polling place to vote; or

(c.) who will be prevented by serious illness or infirmity from attending a polling place on polling day,

may, after the issue of the writ, attend before a Magistrate, or other person appointed by the Minister in that behalf (in this Part of this Act referred to as a "postal vote officer"), and vote by post.

(2.) Notice of every appointment, or suspension, or removal of a postal vote officer shall be published in the "Government Gazette."

**90.** It shall be the duty of the Chief Electoral Officer to supply postal vote officers with postal vote books in the form numbered (21) in the Schedule.

Postal vote books.

Form (21).

**91.** The following directions for voting by post shall be observed:—

Directions.

See 1904, No. 20,  
s. 80.

(1.) The elector shall sign and declare before the postal vote officer the declaration contained in the form numbered (21) in the Schedule.

(2.) The postal vote officer shall then—

(a.) write on the counterfoil—

(i.) the name of the Province or District for which the elector claims to vote;

(ii.) the christian name, surname, and address of the elector; and

(iii.) the date of issue of the postal ballot paper; and

(b.) sign and require the elector to sign the counterfoil.

(3) The postal vote officer shall then—

(a.) indorse on the ballot paper—

(i.) the name of the Province or District as on the counterfoil; and

(ii.) the date of issue; and

(b.) sign the indorsement.

(4.) The postal vote officer shall then hand the ballot paper and an envelope to the elector, and complete and sign the certificate indorsed on the declaration.

(5.) The elector shall then—

(a.) write on the ballot paper, in the manner prescribed by section ninety-two, the name of the candidate for whom he votes, but so that the postal vote officer shall not see the vote;

(b.) fold up the ballot paper and, in the presence of the postal vote officer, put it in the envelope; and

(c.) fasten the envelope and hand it to the postal vote officer:

Provided that where an elector satisfies the postal vote officer that he is blind, or that his sight is so impaired, or that he is otherwise so physically incapable that he is unable to vote without assistance, or is unable to read or write, such officer may, and at the



the request of such elector shall, mark on the ballot paper, according to the instructions of the elector, the name of the candidate, and enclose the ballot paper in the envelope.

- (6.) The postal vote officer shall then write "Ballot paper" on the envelope, and place the counterfoil in another envelope and fasten it and write "Counterfoil" thereon, and shall forthwith send both envelopes, enclosed in an envelope marked "Electoral ballot paper only," and upon which the postal vote officer shall write his name and title, by post or otherwise, addressed to the Returning Officer of the Province or District in which the elector claims to be entitled to vote, or to a Presiding Officer at any polling place within such Province or District if the postal vote officer is satisfied that the vote taken by him cannot in the ordinary course of post reach the Returning Officer before the close of the poll.

Mode of marking  
ballot paper.  
See 1904, No. 20,  
s. 82.

**92.** An elector recording his vote by means of a postal vote ballot paper shall do so in the following manner:—

- (1.) At elections where there are only two candidates, the elector shall insert in the postal ballot paper the surname of the candidate for whom he votes.
- (2.) At elections where there are more than two candidates, the elector may, in addition to the name of the candidate for whom he votes as a first preference, give contingent votes for so many of the other candidates as he chooses.
- (3.) The voting under subsection two shall be as follows:—  
The voter shall first write on the ballot-paper the surname of the candidate for whom he votes in the first instance, and he shall mark the numeral 1 against such name, and he may write any other names of candidates for whom he wishes to record contingent votes underneath such name, numbering them 2, 3, 4, and so on in the order of his preference.
- (4.) In the case of more candidates than one having the same surname, the elector shall also insert in the ballot paper the christian names of such candidates.

Inspection.

**93.** At any time when called upon in writing by the Chief Electoral Officer, or by a Registrar, a postal vote officer shall transmit to the Chief Electoral Officer or such Registrar, for inspection, his postal vote book, and the written applications received by him for postal vote ballot papers.

**94.**

**94.** It shall be unlawful for any postal vote officer to visit any elector for the purpose of taking his vote, or to take any elector's postal vote in any other place than such postal vote officer's ordinary place of living or business. But this section shall not apply to electors entitled to vote by post under paragraph (b) or (c) of section eighty-nine.

Postal vote officer  
not to visit electors.

**95.** (1.) The Returning Officer or Presiding Officer, as the case may be, upon the receipt of any postal votes, shall retain them in his possession and

Duty of Returning  
Officer in regard to  
postal votes.  
See 1904, No. 20,  
s. 85.

(a.) during or immediately after the close of the poll, in the presence of the scrutineers, proceed to open them;  
and

(b.) if satisfied, by comparing each counterfoil with the roll, that the person named is entitled to vote, shall, as he takes out each ballot paper from its envelope, without unfolding it, deposit it in the ballot box.

(2.) The Returning Officer or Presiding Officer, as the case may be, may compare the elector's signature on the counterfoil with his signature on the claim, and if he is not satisfied that the signature on the counterfoil corresponds with the signature on the claim, the ballot-paper shall be deemed informal, and may be rejected.

**96.** No postal vote shall be rejected by reason of any mistake in spelling where the elector's intention is clear.

Mistakes.  
See 1904, No. 20,  
s. 88.

**97.** The decision of the officer conducting the count of the votes as to the allowance or disallowance of any postal vote shall be subject only to review by the Court of Disputed Returns under Part V.

Officer to decide.  
See 1904, No. 20,  
s. 87.

**98.** Any person who has applied to a postal vote officer for the purpose of voting under this Part of the Act, and has complied with the provisions thereof, shall not be entitled to vote otherwise at the election, although the said envelopes may not have been sent to the Returning Officer or Presiding Officer, as the case may be, or although they may have miscarried.

Applicant not to  
vote otherwise at  
election.  
See 1904, No. 20,  
s. 86.

(ii.) *At the Poll.*

**99.** The Minister may, by notice in the "Government Gazette"—

Polling places.  
See 1904, No. 20,  
s. 90.

(a.) appoint a chief polling place for each Province and District;

(b.) appoint such other polling places for each Province and District as he thinks necessary;

(c.) abolish any polling place.

**100.**

Polling.  
See 1904, No. 20,  
s. 92.

**100.** If the proceedings on the day of nomination stand adjourned to polling day, the Returning Officer shall immediately make all necessary arrangements for taking the poll.

Duty of Returning  
Officer.  
See 1904, No. 20,  
s. 93.

**101.** In particular the Returning Officer shall—

- (1.) Appoint a presiding officer to preside at each polling place at which he will not be continuously present;
- (2.) Appoint all necessary poll clerks and doorkeepers;
- (3.) Furnish polling places and provide ballot boxes;
- (4.) Provide ballot papers and copies of the roll for use at each polling place.

Presiding officer.  
Com. 1902-1905,  
s. 125.

**102.** The Returning Officer shall be the presiding officer at the chief polling place unless he appoints some other person to be the presiding officer thereat.

Appointment of  
presiding officers,  
poll clerks, and  
door-keepers.  
Form (22).

**103.** (1.) The appointment of presiding officers, assistant presiding officers, poll clerks, and doorkeepers shall be made in writing in the form numbered (22) in the Schedule.

Form (23).

(2.) Every presiding officer, assistant presiding officer, poll clerk, and doorkeeper shall, before acting as such, make and subscribe before an officer authorised by section two hundred and four to witness signatures, a declaration in the form numbered (23) in the Schedule, and lodge such declaration with the Returning Officer, who shall forward the same to the Chief Electoral Officer, to be filed in his office.

Substitute.  
Com. 1902-1905,  
s. 126.

**104.** (1.) Any presiding officer may appoint a substitute to perform his duties during his temporary absence, and may, if authorised by the Returning Officer so to do, appoint in writing one or more assistant presiding officers to assist him in presiding at any polling place.

(2.) Any assistant presiding officer may, subject to the direction of the presiding officer, exercise all or any of his powers, and shall, in respect of those powers, be deemed to be the presiding officer.

Absence of Return-  
ing Officer or pre-  
siding officer not to  
invalidate election.  
Q. 1905, No. 1,  
s. 57 (3) (4).

**105.** (1.) In case any returning officer or presiding officer is prevented from attendance by illness or other sufficient cause, and time does not permit of a substitute being appointed under the provisions of section seven, he may appoint by writing under his hand, a substitute to act for him, who shall have full power and authority to do all things required by this Act to be done by his principal.

(2.) If, by reason of the absence of the presiding officer, the poll is not taken at any polling place, the election shall not therefore be void, but the returning officer may appoint another day, not later than twenty-one days from the day fixed for the election

election, for taking the poll at such polling place, of which appointment public notice shall be given, and the poll shall be taken accordingly and be deemed to have been taken on the day previously appointed.

**106.** (1.) When a large number of electors is likely to vote at a polling place, the returning officer may subdivide a polling place into sections, and shall, in such case, appoint presiding officers to take the poll at each section at which he does not himself preside.

Subdivision of  
polling places.  
Q. 1905, No. 1, s. 57,  
(5) (6).  
N.Z. 1906, No. 29,  
s. 108 (2).

(2.) If a polling place is divided into sections, there shall be fixed over each such section, a notice indicating the letters of the alphabet for the section of such polling place at which each elector, according to the initial letter of his surname, is to vote; and no elector shall be permitted to vote in any section thereof save that which is so denoted by the initial letter of his surname.

(3.) All the provisions of this Act relating to presiding officers shall apply to presiding officers at each section of a polling place.

**107.** No part of any premises licensed for the sale of intoxicating liquors shall be used for the purposes of any polling place.

No licensed  
premises to be used  
See 1904, No. 20,  
s. 96.

**108.** All buildings under the control of the Government, or the property of Municipal Corporations or Road Boards, and all Agricultural Halls, Mechanics' and Miners' Institutes, and other buildings which have been or may hereafter be subsidised in their erection by the Government, may be used free of charge, for the purposes of any nomination proceedings or poll.

Certain buildings to  
be used free.  
See 1904, No. 20,  
s. 97.

**109.** Polling places shall have separate voting compartments, constructed so as to screen the electors from observation while they are marking their ballot papers, and each compartment shall be furnished by the returning officer with a pencil for the use of electors.

Separate compart-  
ments.  
See 1904, No. 20,  
s. 98.

**110.** Each polling place or section of a polling place shall be provided with a ballot box having both an inner and an outer cover, with a lock and key to each, and with a cleft in the inner cover for receiving the ballot papers.

Ballot boxes.  
See 1904, No. 20,  
s. 99.

**111.** (1.) Prior to any election the Registrar shall, whenever requested by a Returning Officer, supply a sufficient number of copies of the roll for use at such election, such copies to include the names of all electors, if any, enrolled since the last print, and entitled to vote.

Registrar to supply  
signed rolls.

(2.) The copies of the roll so supplied shall be duly marked in accordance with the proviso to subsections two and three

of sections forty-six and forty-seven respectively, and signed and dated by the Registrar.

(3.) The Returning Officer shall cause a sufficient number of such copies of the roll to be delivered to each presiding officer before the hour for opening the poll, and such copies shall be signed and dated by the Returning Officer, and the name of the polling place at which they are to be used shall be written on the front page by the Returning Officer.

Ballot papers.  
Form (24).  
See 1904, No. 20,  
s. 101.

**112.** (1.) Ballot papers may be in the form numbered (24) in the Schedule, and shall contain the surnames of all the persons nominated as candidates, arranged alphabetically in large characters.

(2.) Where two or more candidates have the same surname they shall be distinguished upon the ballot papers by their christian names being inserted in smaller characters, and if necessary by such other addition as is sufficient to distinguish them.

Scrutineers.  
See 1904, No. 20,  
s. 104.

**113.** (1.) Scrutineers may be appointed by candidates to represent them at polling places during the polling, but not more than one scrutineer shall be allowed to each candidate at each polling place, or section of a polling place, if divided.

(2.) The appointment of scrutineers shall be made by written notice to the Returning Officer or presiding officer, signed by the candidate, giving the names and addresses of the scrutineers, or without such notice by permission of the Returning Officer or presiding officer.

Form (25).

(3.) Every scrutineer shall, upon his appointment, make and subscribe a declaration in the presence of the Returning Officer or presiding officer in the form numbered (25) in the Schedule.

Persons present at  
polling.  
See 1904, No. 20,  
s. 105.

**114.** No candidate shall in any way take part in the conduct of an election; and no one, other than the Chief Electoral Officer or an officer deputed by him, the presiding officer, the poll clerks, doorkeepers, scrutineers, and any member of the police force on duty at a polling place, and the electors voting or about to vote, shall be permitted to enter or remain in the polling place during the polling.

Maintenance of  
order.  
N.Z. 1905, No. 29,  
s. 146 (1) (2).

**115.** (1.) The Returning Officer or presiding officer may summon to his assistance in such polling place any member of the police force for the purpose of:—

(a.) preserving the public peace or preventing any breach thereof, and for removing out of such polling place any person who, in his opinion, is wilfully and unnecessarily obstructing the polling, or wilfully violating any of the provisions of this Act;

(b.)

- (b.) causing to be removed any person who obstructs the approaches to a polling place; or
  - (c.) causing to be arrested and taken before a justice of the peace, without any other warrant than this Act, any person reasonably suspected by the Returning Officer or presiding officer of committing or attempting to commit at a polling place any of the offences mentioned in this Act.
- (2.) All members of the police force shall aid and assist the Returning Officer or presiding officer in the performance of his duty.

**116.** The polling shall be conducted as follows:—

- (1.) Before any vote is taken the presiding officer shall exhibit the ballot box empty, and shall then securely fasten and seal its inner cover so that nothing can be removed without breaking the seal.
- (2.) The poll shall be open at eight o'clock in the morning, and shall not close until all the electors present in the polling booth at seven o'clock in the evening, and desiring to vote, have voted; and in any dispute as regards time the decision of the presiding officer shall be final.
- (3.) At the close of the poll the presiding officer shall publicly close, fasten, seal the outer cover of, and take charge of the ballot box, and with the least possible delay forward it to the Returning Officer for the purposes of scrutiny; and it shall on no account be opened except as allowed by this Act.
- (4.) The presiding officer shall also forward to the Returning Officer the marked roll or rolls used at the poll, and any other documents received before or during the poll, having first indorsed and signed such rolls to identify them.

The polling.

See 1904, No. 20,  
s. 108.

**117.** Every person claiming to vote shall:—

- (a.) state his surname and christian name; and
- (b.) if so desired by the presiding officer, state any other particulars necessary to be stated in the roll for the purpose of identifying the name upon the roll under which the vote is claimed.

Persons claiming to  
vote to give name  
etc.

See 1904, No. 20,  
s. 108.

**118.** (1.) The presiding officer may, and at the request of any scrutineer shall, put to any person claiming to vote all or any of the following questions:—

Questions to be put  
if voter challenged.  
See 1904, No. 20,  
s. 109.

- (a.) Are you the person whose name appears as [*here state name under which the person claims to vote*] on the roll for this Province? [*or District*].
- (b.) Are you of the full age of twenty-one years?

(c.) Have you already voted, either here or elsewhere, at this election?

(d.) Are you disqualified from voting?

And in elections for the Assembly, the following additional questions, that is to say:—

(e.) Do you reside in this Electoral District?

(f.) Where is your residence in this electoral district?

And if the question (e.) is answered in the negative, the following additional questions, that is to say:—

(g.) Have you, within the last preceding three months, been *bona fide* resident within this Electoral District?

(h.) Where was your residence in this Electoral District?

(2.) The presiding officer shall take a note of the name and number on the roll of each elector so challenged, and the result of questioning him as above provided.

(3.) The presiding officer may require any person claiming to vote, before receiving a ballot paper, to make a declaration in the form numbered (9) in the Schedule.

Form (9).

Consequence of answers.  
See 1904, No. 20, s. 110.

**119.** If any person refuses to answer fully any such question put to him by the presiding officer, or to make the declaration requested of him, or fails by his answer to satisfy the presiding officer that he is entitled to vote, his claim to vote shall be rejected.

Answer conclusive.  
See 1904, No. 20, s. 111.

**120.** The elector's answer to the questions shall be conclusive, and the matter shall not be further inquired into during the polling.

Persons objected to—how to vote.

**121.** (1.) No person whose name on the roll has been objected to and is marked in accordance with the provisions of sections forty-six or forty-seven shall have a right to vote until he has made a declaration in the form numbered (9) in the Schedule.

Form (9).

(2.) All declarations received under this section shall be forwarded by the Returning Officer to the Chief Electoral Officer.

(3.) Every elector who has voted by post shall be deemed to have made such declaration.

No other question or declaration necessary.  
Q. 1905, No. 1, s. 70.

**122.** (1.) No elector shall, at any election, be required to answer any question or to make any declaration, except as herein provided.

(2.) No person claiming to vote at any election shall be excluded from voting thereat except by reason of—

(a.) it appearing to the presiding officer, upon putting the questions hereinbefore prescribed, or any of them,—

(i.) that he is not the person whose name appears on the roll, or

- (ii.) that he has previously voted for the Province or District at the same election, or
- (iii.) that he is otherwise not entitled to vote under this Act; or

- (b.) such person refusing to answer any of such questions, or to make the declaration required under sections one hundred and eighteen and one hundred and twenty-one.

**123.** (1.) No omission from the roll of any name other than the surname, or entry of a wrong name other than the surname, and no misspelling of any name, shall warrant the rejection at any polling of any claim to vote, if the elector is sufficiently identified in the opinion of the presiding officer.

Errors not to forfeit vote.

See 1904, No. 20, s. 112.

(2.) No female elector shall be disqualified from voting under the name appearing on the roll because her surname has been changed by marriage.

**124.** (1.) If the name under which the elector claims to vote is upon the copy of the roll, and his right to vote is not challenged, or, if challenged, he makes the necessary declaration, or answers the prescribed questions satisfactorily, the presiding officer shall deliver to him a ballot paper.

Ballot paper to be handed to elector.

See 1904, No. 20, s. 113.

(2.) Before the delivery of the ballot paper to the elector, it shall be marked on the back by the presiding officer with his initials and the name of the Province or District for which the election takes place.

(3.) The initials of the presiding officer shall be placed on the back of the ballot paper in such a position as to be easily seen when the ballot paper is folded to conceal the vote.

(4.) Every presiding officer who fails faithfully to perform any duty imposed on him by this section by reason whereof any of the requirements of this section are not effectively fulfilled, is liable to a fine not exceeding ten pounds.

**125.** (1.) Immediately upon handing the ballot paper to the person claiming to vote, the officer shall strike out the person's name on the copy of the roll.

Roll to be marked on voting paper being issued.

See 1904, No. 20, s. 114.

(2.) The mark so made on the copy of the roll shall be *prima facie* evidence of the identity of the person to whom the ballot paper is delivered, with the elector whose name is so marked on the roll, and of the fact that such elector voted at the election.

**126.** Upon receipt of the ballot paper the elector shall, without delay—

Vote to be marked in private.

See 1904, No. 20, s. 115.

- (a.) retire alone to some unoccupied voting compartment and there, in private, mark his vote on the ballot paper in the manner hereinafter described;

(b.) *digitized by Google*



(b.) fold the ballot paper so as to conceal the names of the candidates, but to disclose the initials of the presiding officer, and exhibit it so folded to the officer, and then forthwith, without unfolding it, deposit it in the ballot box;

(c.) quit the polling place.

How votes to be marked.

See 1904, No. 20, s. 118.

**127.** (1.) The elector shall mark his vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom he votes.

(2.) If there are more candidates than two the elector shall mark the ballot paper by placing the numeral 1 opposite the name of the candidate for whom he votes as his first preference, and he may give contingent votes for the remaining candidates, or any of them, by placing numerals 2, 3, 4 (and so on as the case requires) opposite their names, so as to indicate by such numerical sequence the order of his preference.

Provision where voter is blind or disabled or cannot write.

See 1904, No. 20, s. 116.

**128.** At the request of any elector who is blind, or who satisfies the presiding officer that his sight is so impaired, or that he is otherwise so physically incapable that he is unable to vote without assistance, or is unable to read or write, the presiding officer shall, together with any scrutineers who may be present, retire with him into any unoccupied voting compartment, and there mark the paper according to the instruction of the elector; and such presiding officer shall sign his own name at the foot thereof, and, if so required by the elector, shall allow the scrutineers to inspect such ballot paper before depositing it in the ballot box. The presiding officer shall thereupon deposit the ballot paper in the ballot box.

Spoilt ballot papers.

See 1904, No. 20, s. 117.

**129.** If any elector satisfies the presiding officer, before his ballot paper is deposited in the ballot box, that he has spoilt it by mistake or accident, he may, on giving it up, receive a new ballot paper from the presiding officer, who shall there and then destroy the spoilt ballot paper, and mark the word "cancelled" on the butt corresponding to such ballot paper.

Adjournment of polling on account of riot.

See 1904, No. 20, s. 120.

**130.** The presiding officer may adjourn the polling from day to day in any case where the polling is interrupted or obstructed by riot or open violence.

Adjournment in other cases.

See 1904, No. 20, s. 121.

**131.** If from any cause any polling place is not opened on polling day, or, if opened, the poll cannot be proceeded with, the returning officer or the presiding officer may adjourn the polling for a period not to exceed twenty-one days, and shall forthwith give public notice of the adjournment.

**132.** Where for any reason the polling is adjourned at any polling place, those electors only who are entitled to vote at such polling place who have not already voted shall be entitled to vote at the adjourned polling at that polling place.

Voting at adjourned polling.  
Com. 1902-1905,  
s. 153 (a).

*Division (4).—Counting the Votes.*

**133.** The result of the polling shall be ascertained by scrutiny of the ballot papers and by count of the votes, and shall be conducted in the presence of the scrutineers by the Returning Officer, with the assistance of such officers as he deems necessary, in the following manner:—

Count of the votes  
—how conducted.  
See 1904, No. 20,  
ss. 122, 123.

- (1.) The scrutiny and count of votes shall commence as soon as practicable after the closing of the poll;
- (2.) The candidates, the scrutineers, and officers may be present but no other person;
- (3.) Where the count of the votes is not commenced immediately after the close of the poll, the scrutineers shall be informed in writing by the Returning Officer as regards the time and place when and where such count will be commenced and conducted by him;
- (4.) All the proceedings at the count of the votes shall be subject to the inspection of the scrutineers;
- (5.) All informal votes shall be marked “informal” and rejected and the number recorded;
- (6.) The count of the votes may, from time to time, be adjourned as the Returning Officer may deem necessary, until it has been duly completed.

**134.** Each adjournment shall be announced to the scrutineers and officers by the Returning Officer, and the time and place for the continuation of the count shall be in a similar manner made known to them.

Adjournment to be announced.

**135.** (1.) Before every adjournment of the count of the votes all ballot papers and other documents connected with such count shall be placed in one or more ballot boxes, and the Returning Officer shall then, in the presence of such scrutineers and officers as are present, seal the outer cover of such ballot box or boxes with his official seal, if any, or with his private seal, and any scrutineer, who shall desire so to do, shall be permitted by the Returning Officer to place his special seal upon the outer cover of such ballot box or boxes.

Before adjourning,  
ballot papers, etc.,  
to be sealed in  
boxes.

(2.) Before recommending the count such seals shall be exhibited unbroken to the scrutineers and officers.

**136.** (1.) Each candidate may appoint one scrutineer to represent him at the scrutiny and count of votes at each place where such scrutiny and count are conducted.

Power to appoint  
scrutineers.  
See 1904, No. 20,  
s. 124.

(2.)

(2.) Such appointment shall be made in writing and addressed to the Returning Officer, Deputy Returning Officer, or Assistant Returning Officer, as the case may be.

Scrutineer may object to vote as informal.  
See 1904, No. 20, s. 125.

**137.** Any scrutineer may object that any ballot paper is informal, and thereupon the officer conducting the count shall mark the ballot paper "admitted" or "rejected" according to his decision on the objection and initial such marking; and such decision shall be final, subject only to reversal by a Judge of the Supreme Court under the provisions of Part V.

Informal ballot papers.  
See 1904, No. 20, s. 126.

**138.** A ballot paper shall be informal—

- (a.) if it is not initialled by the presiding officer, or in the case of a postal ballot paper, not signed and dated by a postal vote officer; or
- (b.) if it is marked in any other manner than in sections ninety-two and one hundred and twenty-seven provided; or
- (c.) if it has upon it any mark or writing not authorised by this Act which, in the opinion of the Returning Officer, will enable any person to identify the elector; or
- (d.) if it does not indicate the elector's vote or first preference for one candidate; or
- (e.) if no mark is indicated on it, or, in the case of a postal ballot paper, no name of any candidate written on it.

Ballot papers not informal.

**139.** (1.) A ballot paper shall not be informal for any reason other than the reasons enumerated in the last preceding section, but shall be given effect to according to the elector's intention so far as his intention is clear.

(2.) In particular a ballot paper shall not be informal by reason only of—

- (a.) The elector having indicated his vote or first preference by a cross instead of the numeral 1; or
- (b.) in the case of a postal ballot paper, the preferential numbering of the names written on such ballot papers having been omitted; and if the names are written on the postal ballot paper without preferential numbering, it shall be deemed that the elector's preference is indicated by the order in which the names are written on the ballot paper.

**140.** The Governor may appoint Assistant Returning Officers to count the votes at any one or more polling places—

- (a.) in outlying portions of a Province or District ; or
- (b.) where the polling place is so far distant from the chief polling place that such appointment is necessary to ascertain the result of the election with expedition.

Outlying polling places.

See 1904, No. 20, s. 130.

**141.** The procedure at the count of votes by the Deputy and Assistant Returning Officers shall be as follows:—

The count of the votes by deputy and assistant Returning Officers.

See 1904, No. 20, s. 128.

- (1.) Each Deputy Returning Officer shall open all ballot boxes from the polling places within his district; and each Assistant Returning Officer shall open all ballot boxes at his polling place.
- (2.) The Deputy or Assistant Returning Officer shall count all the votes on the ballot papers found in the boxes opened by himself, rejecting all informal ballot papers, and ascertain—
  - (a.) the number of votes for each candidate, if there are only two candidates ; or
  - (b.) if there are more than two candidates, the number of first preference votes given for each candidate,and shall make and keep a record of the total number of votes for each candidate counted by him from each of such ballot boxes.
- (3.) Each Deputy Returning Officer shall certify by indorsement on the copy of the writ received by him the number of votes or first preference votes, as the case may be, given for each candidate within the district for which he acts, and transmit the copy of the writ so indorsed to the Returning Officer.
- (4.) Each Assistant Returning Officer shall certify in writing, addressed to the Returning Officer, the number of votes or first preference votes, as the case may be, given for each candidate at his polling place.
- (5.) A Deputy or Assistant Returning Officer may communicate to the Returning Officer by telegraph the number of votes or first preference votes, as the case may be, recorded for each candidate within the district or at the polling place for which he is appointed, and the Returning Officer, in ascertaining the result of the poll, may act upon the information so received.

(6.)

(6.) Each Deputy or Assistant Returning Officer shall—

(a.) Enclose in one packet all the used ballot papers, in another packet all unused ballot papers, and in another packet all copies of rolls, butts of ballot papers, books, or other papers and documents used at the election or in connection therewith, and all telegrams, letters, or other papers received from the Returning Officer or any other electoral officer; and

(b.) Seal up the several packets and indorse the same with a description and the number of the contents thereof respectively, and the name of the district or the polling place, as the case may be, and the date of the polling, and sign the indorsement, and forthwith forward the said packets to the Returning Officer.

Returning Officer to ascertain result of polling.  
See 1904, No. 20, s. 131.

**142.** (1.) The Returning Officer for the Province or District, as the case may be, shall, in manner hereinafter provided, ascertain the total number of votes given for each candidate

(2.) In the event of an equality of votes the Returning Officer shall give a casting vote, but otherwise shall not vote at the election in the Province or District in which he presides.

Counting of votes by Returning Officers.

**143.** (1.) The procedure at the count of the votes by the Returning Officer for each Province or District shall, if there are only two candidates, be as follows:—

(a.) The Returning Officer shall—

(i.) open all ballot boxes not opened by Deputy or Assistant Returning Officers;

(ii.) count all the votes on the ballot papers found in such ballot boxes, rejecting all informal ballot papers, and ascertain the number of votes given for each candidate; and

(iii.) make and keep a record of the number of votes counted from each ballot box.

(b.) The Returning Officer shall then—

(i.) ascertain from the written or telegraphic returns received from Deputy or Assistant Returning Officers the number of votes given for each candidate in districts or at polling places where the ballot boxes have been opened by Deputy or Assistant Returning Officers; and

(ii.)

- (ii.) add the votes so given for each candidate to the votes counted by himself in favour of each such candidate, so as to ascertain, for the whole Province or District, the number of votes given for each candidate respectively.
- (c.) The candidate who has received the largest number of votes shall be declared by the Returning Officer duly elected.

(2.) The procedure at the count of the votes by the Returning Officer for each Province or District, if there are more candidates than two, shall be as follows:—

Counting of votes,  
when more candi-  
dates than two.

(a.) The Returning Officer shall—

- (i.) open all ballot boxes not opened by Deputy or Assistant Officers;
- (ii.) arrange the ballot papers under the names of the respective candidates and place in a separate parcel all those on which a first preference is indicated for the same candidate, rejecting informal ballot papers; and
- (iii.) count all the first preference votes given for each candidate respectively; and
- (iv.) make and keep a record of the number of votes counted by him from each ballot box.

(b.) The Returning Officer shall then—

- (i.) ascertain from the written or telegraphic returns received from Deputy or Assistant Returning Officers the number of first preference votes given for each candidate in districts or at polling places where the ballot boxes have been opened by such Deputy or Assistant Returning Officers; and
- (ii.) add the first preference votes so given for each candidate to the votes counted by himself in favour of each such candidate, so as to ascertain, for the whole Province or District, the number of first preference votes polled by each candidate respectively.

(c.) The candidate who has received the largest number of first preference votes shall, if such number constitutes an absolute majority of votes, be declared by the Returning Officer duly elected.

(d.)

(d.) If no candidate has an absolute majority of votes the Returning Officer—

(i.) shall open the packets of ballot papers received from the Deputy or Assistant Returning Officers, and deal with the ballot papers contained therein as prescribed by subsection (1) of this section, adding such ballot papers to those previously counted by himself for each candidate; and

(ii.) shall then declare the candidate who has obtained the fewest first preference votes to be a defeated candidate, and each ballot paper counted to him shall (unless exhausted) be distributed among the non-defeated candidates next in order of the elector's preference.

(e.) After such distribution the number of votes given to each non-defeated candidate shall again be ascertained.

(f.) If no candidate then has an absolute majority of votes the process of declaring the candidate who has the fewest votes to be defeated, and distributing each of his ballot papers (unless exhausted) amongst the non-defeated candidates next in order of the voter's preference shall be repeated, and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes, and such candidate shall then be declared duly elected.

Provided that when only two candidates remain undefeated, and neither has obtained an absolute majority, the candidate who has obtained the largest number of votes shall be declared duly elected.

Exhausted ballot papers.

(3.) (a.) Every ballot paper, not rejected as informal, shall be counted in every count until it becomes exhausted, when it shall be rejected in all further counts.

(b.) When a candidate is declared defeated, any ballot paper counted to him shall be deemed to be exhausted if there is not indicated upon it a consecutive preference for a candidate not declared defeated.

**144.** If on any count two or more candidates have an equal number of votes and one of them has to be declared defeated, the Returning Officer shall decide which is to be declared defeated.

Casting vote for exclusion during progress of count.

**145.** At any time before the declaration of the poll the Returning Officer may, if he thinks fit, at the request of any scrutineer, or of his own motion, re-count the ballot papers contained in any parcel.

Re-count.

*Division (5).—Declaration of Poll and Return of the Writ.*

**146.** (1.) As soon as conveniently may be after the result of the election has been ascertained, the Returning Officer shall—

Declaration of poll and return of writs.  
See 1904, No. 20, s. 147.

(a.) at the chief polling place declare the result of the election and the name of the candidate or candidates elected;

(b.) by indorsement under his hand certify on the original writ the name of the candidate or candidates elected, and return the writ to the Clerk of the Writs according to its exigency.

(2.) The day on which the writ was so indorsed shall be deemed to be the day of the return thereof.

(3.) As soon as conveniently may be after the return of the writ the Clerk of the Writs shall forward to the President or the Speaker, as the case may require, the name of the member or members elected, together with a copy of the writ indorsed as aforesaid.

**147.** No election shall be liable to be questioned by reason of any defect in the title or any want of title of any person by or before whom such election is held, if such person really acted at such election, nor by reason of any formal error or defect in any declaration or other instrument, or in any publication made under this Act or intended to be so made, nor by reason of any such publication being out of time.

Election not to be questioned.  
Q. 1905, No. 1, s. 85.

**148.** No election shall be void in consequence solely of any delay in holding the election at the time appointed, or in taking the poll, or in the return of the writ, or in consequence of any impediment of a merely formal nature; and the Governor may adopt such measures as may be necessary for removing any obstacle of a merely formal nature by which the due course of any election might be impeded:

Remedy for informalities in election proceedings.  
Q. 1905, No. 1, s. 86.

Provided that the validity of the election and the measures so taken shall be forthwith declared by the Governor by Proclamation.

*Division*

Digitized by Google



*Division (6).—After the Poll.*

Returning Officer  
to forward to Chief  
Electoral Officer  
statistical return.

**149.** (1.) The Returning Officer shall forthwith, after the day of polling at any election, complete and forward to the Chief Electoral Officer a statistical return in the prescribed form.

(2.) He shall also forward to the Chief Electoral Officer all the certified copies of the marked and signed rolls used in his Province or District by himself and by the presiding officers, upon which rolls the names of the electors who voted at the election have been marked in accordance with the provisions of section one hundred and twenty-five.

Returning Officer  
to send ballot  
papers to Clerk of  
Council or  
Assembly.  
N.Z. 1905, No. 29,  
s. 143.

**150.** The Returning Officer shall also, as soon as practicable after the day of polling at any election—

(a.) enclose in one packet all the used ballot papers, including the postal ballot papers, and in another packet all butts of ballot papers, accounts, books, or other papers or documents used at the election or in connection therewith (with the exception of the signed rolls), and all telegrams, letters, or other papers received from Deputy or Assistant Returning Officers and presiding officers in connection with the poll;

(b.) seal up the said several packets and indorse the same with a description and the number of the contents thereof respectively, and the name of the Province or the District and the date of the polling, and shall sign the indorsement, and forthwith forward the said packets to the Clerk of the Council or the Clerk of the Assembly, as the case may be;

(c.) seal up, indorse, and transmit in a similar manner to the same Clerk a packet containing all ballot papers printed for the said election and not used by him or by Deputy or Assistant Returning Officers or presiding officers;

(d.) seal up, indorse, and transmit to the Chief Electoral Officer the marked rolls used at the election and all declarations in the form numbered (9) in the Schedule received by himself and the presiding officers.

Form (9).

(e.) the Clerk of the Council, the Clerk of the Assembly, or the Chief Electoral Officer, as the case may be, shall forthwith give or send to the Returning Officer a receipt under his hand for the said packets.

151.

**151.** The Clerk of the Council and the Clerk of the Assembly shall preserve and hold in custody all such ballot papers and other documents forwarded by the Returning Officers under the provisions of this Part of the Act until the election concerned can in each case be no longer questioned, when such ballot papers shall be destroyed.

Preservation of  
ballot papers.  
See 1904, No. 20,  
s. 127.

**152.** (1.) Any candidate on payment of a fee of five guineas may give notice to the returning officer requiring production of the rolls used by him and any assistant returning officers at any election, and such returning officer or assistant returning officers shall produce such roll or rolls in the presence of the other candidates (if they wish to be present) within thirty-five days of the date of service of the notice.

Production of rolls  
used at election.

(2.) If the returning officer is satisfied that the application was made for a *bona fide* purpose he may direct repayment of the sum deposited.

**153.** Such ballot papers and other documents as may be required by the Court of Disputed Returns shall, upon an order of the Court, be produced by the Clerk of the Council or the Clerk of the Assembly, but shall not be available for any other purpose.

Ballot papers, etc.,  
to be delivered to  
Court of Disputed  
Returns.

**154.** All books, documents, and papers used for or in connection with any election may, when the election can be no longer questioned, be destroyed by the Chief Electoral Officer, or with his approval by any Returning Officer or Registrar.

Papers, etc., to be  
destroyed.

#### PART V.—DISPUTED RETURNS.

**155.** (1.) The validity of any election or return may be disputed by petition addressed to the Court of Disputed Returns, and not otherwise.

Method of disputing  
elections.  
See 1904, No. 20,  
s. 159.

(2.) A Judge of the Supreme Court sitting in open Court shall constitute the Court of Disputed Returns.

**156.** Every petition disputing an election or return, in this Part of this Act called the petition, shall—

Requisites of  
petition.  
See 1904, No. 20,  
s. 160.

- (1.) Set out the facts relied on to invalidate the election or return;
- (2.) Contain a prayer asking for the relief the petitioner claims to be entitled to;
- (3.) Be signed by a candidate at the election in dispute;
- (4.) Be attested by two witnesses whose occupations and addresses are stated;

(5.)

- (5.) Be filed in the Central Office of the Supreme Court within forty days after the return of the writ; or (if the facts relied on in support of the petition are breaches by a candidate of the provisions of Part VI. of this Act) within forty days after the filing by the candidate of the return of his electoral expenses.

Presumption as to date of return of writ.

**157.** For the purpose of the last preceding section the writ shall be deemed not to have been returned earlier than the date thereby appointed as the day on or before which the same is to be returned.

Deposit as security for costs.  
See 1904, No. 20, s. 161.

**158.** At the time of filing the petition the petitioner shall deposit with the Master of the Supreme Court the sum of fifty pounds as security for costs.

No proceedings unless requisites complied with.  
See 1904, No. 20, s. 162.

**159.** No proceedings shall be had on the petition unless the requirements of the preceding sections are complied with.

Powers of Court.  
See 1904, No. 20, s. 163.

**160.** (1.) The powers of the Court of Disputed Returns shall include the following:—

- (a.) to adjourn;
- (b.) to compel the attendance of witnesses and the production of documents;
- (c.) to examine witnesses on oath;
- (d.) to declare that any person who was returned as elected was not duly elected;
- (e.) to declare any candidate duly elected who was not returned as elected;
- (f.) to declare any election absolutely void;
- (g.) to dismiss or uphold any petition, in whole or in part;
- (h.) to award costs;
- (i.) to punish any contempt of its authority by fine or imprisonment.

(2.) The Court may exercise all or any of its powers under this section on such grounds as the Court in its discretion thinks fit and sufficient.

(3.) Without limiting the powers conferred by this section, it is hereby declared that the power of the Court to declare that any person who was returned as elected was not duly elected, or to declare an election absolutely void, may be exercised on the ground that illegal practices were committed in connection with the election.

**161.** The Court shall inquire whether or not the requisites of section one hundred and fifty-six have been observed, and, so far as the voting is concerned, may inquire into the identity of persons, and whether their votes were improperly admitted or rejected, and whether the result of the polling was correctly ascertained, but the Court shall deem the roll conclusive evidence that the persons enrolled were, at the date of the completion of the roll, entitled to be enrolled.

Inquiries by Court.  
See 1904, No. 20,  
s. 164.

**162.** (1.) If the Court of Disputed Returns finds that a candidate has committed or has attempted to commit bribery or undue influence, his election, if he is a successful candidate, shall be declared void.

Voiding election for  
illegal practices.  
Com. 1902-1906,  
s. 198 (a).

(2.) No finding by the Court of Disputed Returns shall bar or prejudice any prosecution for any illegal practice.

(3.) The Court of Disputed Returns shall not declare that any person returned was not duly elected, or declare any election void—

- (a.) on the ground of any illegal practice committed by any person other than the candidate and without his knowledge or authority; or
- (b.) on the ground of any illegal practice other than bribery or corruption or attempted bribery or corruption, unless the Court is satisfied that the result of the election was intended to be and was actually affected thereby, and that it is just that the candidate should be declared not to be duly elected, or that the election should be declared void.

**163.** When the Court of Disputed Returns finds that any person has committed an illegal practice, the Master of the Supreme Court shall forthwith report the finding to the Minister.

Court to report  
cases of illegal  
practices.  
Com. 1902-1906,  
s. 198 (b).

**164.** No election shall be avoided on account of any delay in the declaration of nominations, the polling, or the return of the writ, or on account of the absence or error of any officer which shall not be proved to have affected the result of the election.

Immaterial errors  
not to vitiate  
election.  
See 1904, No. 20,  
s. 166.

**165.** All decisions of the Court shall be final and conclusive without appeal, and shall not be questioned in any way.

Decisions to be  
final.  
See 1904, No. 20,  
s. 167.

**166.** The Master of the Supreme Court shall forthwith, after the filing of the petition, forward to the Clerk of the House of Parliament

Copies of petition,  
etc., to be sent to  
House affected.  
See 1904, No. 20,  
s. 168.

Parliament affected by the petition a copy thereof, and, after the trial of the petition, shall forthwith forward to such Clerk a copy of the order of the Court.

*Costs.*

**167.** The Court may award costs against an unsuccessful party to the petition, to be taxed by the Taxing Officer of the Supreme Court.

*Deposit applicable for costs.*  
See 1904, No. 20, s. 169.

**168.** If costs are awarded to any party against the petitioner, the deposit shall be applicable in payment of the sum ordered, but otherwise the deposit shall be repaid to the petitioner.

*Other costs.*  
See 1904, No. 20, s. 170.

**169.** All other costs awarded by the Court, including any balance above the deposit payable by the petitioner, shall be recoverable as if the order of the Court were a judgment of the Supreme Court, and such order, certified by the Court, may be entered as a judgment of the Supreme Court and enforced accordingly.

*Effect of decision.*  
See 1904, No. 20, s. 171.

**170.** Effect shall be given to any decision of the Court as follows:—

- (1.) If any person returned is declared not to have been duly elected, he shall cease to be a Member of the Council or Assembly;
- (2.) If any person not returned is declared to have been duly elected, he may take his seat accordingly;
- (3.) If any election is declared absolutely void a new election shall be held.

*Power to make rules of Court.*  
See 1904, No. 20, ss. 172, 173.

**171.** (1.) The Judges of the Supreme Court or any two of them may make Rules of Court not inconsistent with this Act for carrying this Part of this Act into effect, and in particular for regulating the practice and procedure of the Court, the forms to be used, and the fees to be paid by parties.

(2.) Every such Rule of Court shall be laid before both Houses of Parliament within forty days next after it is made, if Parliament is then sitting, or if Parliament is not then sitting, then within forty days after the next meeting of Parliament.

(3.) If an address is presented to the Governor by either House of Parliament within the next subsequent forty sitting days of the House praying that any such rule may be annulled, the Governor may thereupon annul the same.

(4.) The rule so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which have in the meantime been taken under it.

## PART VI.—LIMITATION OF ELECTORAL EXPENSES.

**172.** No electoral expense shall be incurred or authorised by a candidate or his agent or agents, in respect of any candidature,—

Rates of expenditure.  
See 1904, No. 20,  
s. 135.

- (1.) In elections for the Council in excess of five hundred pounds;
- (2.) In elections for the Assembly in excess of one hundred pounds.

**173.** "Electoral Expense" includes all expenses incurred by or on behalf of any candidate at or in connection with any election, excepting only the cost of electoral rolls, stationery, postage, telegrams, rent of halls belonging to any public body, and personal and reasonable living and travelling expenses of the candidate.

Electoral expenses.  
Com. 1902-1905,  
s. 171.

**174.** No electoral expense shall be incurred or authorised except in respect of the following matters:—

Expenses allowed.  
See 1904, No. 20,  
s. 136.

- (1.) Printing, advertising, publishing, issuing, and distributing addresses by the candidate and notice of meetings;
- (2.) Committee rooms;
- (3.) Public meetings and halls therefor;
- (4.) Scrutineers;
- (5.) Election agents.

**175.** Within three calendar months after the result of a contested election is declared, every candidate at the election shall sign before a Justice of the Peace, and file with the Chief Electoral Officer, a true account in the form numbered (26) in the Schedule, showing in detail —

Candidate to file  
account of electoral  
expenses.  
See 1904, No. 20,  
s. 138.  
Form (26).

- (a.) All electoral expenses paid; and
- (b.) All disputed or unpaid claims for electoral expenses.

**176.** Every payment made in respect of any expenses incurred shall, except when less than two pounds, be vouched for by a bill stating the particulars and by a receipt.

Payments to be  
vouched by bill.  
N.Z., 1905, No. 29,  
s. 164.

## PART VII.—ELECTORAL OFFENCES.

**177.** To secure the due execution of this Act and the purity of elections the following acts are hereby prohibited and penalised:—

Offences.  
See 1904, No. 20,  
s. 139.

- (1.) Breach or neglect of official duty:

(2.) Digitized by Google

- (2.) Illegal practices, including—
  - (a.) bribery ;
  - (b.) undue influence ;
- (3.) Electoral offences.

Breach or neglect  
by officers.  
See 1904, No. 20,  
s. 140.

**178.** “Breach or neglect of official duty” includes—

- (1.) Any attempt by any officer to influence the vote of any elector, or, except by recording his vote, the result of any election:
- (2.) The disclosure of any knowledge officially acquired by any officer or scrutineer touching the vote of any elector:
- (3.) Any neglect or refusal by any officer to discharge any official duty, and any violation by any officer of any provision of this Act:
- (4.) Any attempt by a postal vote officer or person authorised or required by this Act to witness the signature of an elector voting by means of a postal ballot paper to influence the vote of the elector.

Breach or neglect of official duty is punishable by a penalty not exceeding two hundred pounds, or by imprisonment not exceeding one year.

Bribery.  
See 1904, No. 20,  
s. 141.

**179.** Any person who—

- (a.) promises, or offers, or suggests any valuable consideration, advantage, recompense, reward, or benefit for or on account of, or to induce any candidature, or withdrawal of candidature, or any vote or omission to vote, or any support of, or opposition to, any candidate, or any promise of any such vote, omission, support, or opposition;
- (b.) gives or takes any valuable consideration, advantage, recompense, reward, or benefit for, or on account of, any such candidature, withdrawal, vote, omission, support, or opposition, or promise thereof;
- (c.) promises, offers, or suggests any valuable consideration, advantage, recompense, reward, or benefit for bribery, or gives or takes any valuable consideration, advantage, recompense, reward, or benefit for bribery,

shall be guilty of bribery.

Definition.  
See 1904, No. 20,  
s. 142.

**180.** Without limiting the effect of the general words in the preceding section, “bribery” particularly includes the supply of food, drink, or entertainment after the nominations have been officially declared, or horse or carriage hire for any voter whilst going to or returning from the poll, with a view to influencing the vote of an elector.

**181.** Any person who—

- (1.) Threatens, offers, or suggests any violence, injury, punishment, damage, loss, or disadvantage for or on account of, or to induce any candidature, or withdrawal of candidature, or any vote, or any omission to vote, or any support or opposition to any candidate, or any promise of any vote, omission, support, or opposition;
- (2.) Or uses, causes, inflicts, or procures any violence, punishment, damage, loss, or disadvantage for or on account of any such candidature, withdrawal, vote, omission, support or opposition;
- (3.) Or by spoken words, or by written or printed words or signs in any form whatsoever, publishes any matter intended or tending to prevent or restrain the free exercise of the franchise by any person, or which threaten, offer, or suggest any damage, loss, or disadvantage, either in the present or in the future, to any person on account of his political opinions;
- (4.) Or in any way interferes with any elector, either in the polling booth or within fifty yards thereof with the intention of influencing him or advising him as to his vote;
- (5.) Or at any time between the issue of the writ and the close of the poll publishes or exposes, or causes to be published or exposed, to public view any document or writing or printed matter containing any untrue statement defamatory of any candidate and calculated to influence the vote of any elector;
- (6.) Or, being a candidate, personally solicits the vote of any elector on polling day;
- (7.) Or, being a candidate, attends at any meeting of electors other than his committees held for electoral purposes on polling day,

shall be guilty of undue influence.

**182.** Without limiting the effect of the general words in the preceding section, “undue influence” includes every interference or attempted interference with the free exercise of the franchise of any voter.

**183.** No declaration of public policy or promise of public action shall be deemed bribery or undue influence.

**184.** Any person who—

- (a.) is convicted of bribery or undue influence, or of attempted bribery or undue influence, at an election; or
- (b.) is found by the Court of Disputed Returns to have committed or attempted to commit bribery or undue influence when a candidate,

Undue influence.  
See 1904, No. 20,  
s. 143.

Definition.  
See 1904, No. 20,  
s. 144.

Exception.  
See 1904, No. 20,  
s. 145.

Disqualification for  
bribery or undue  
influence.  
Com. 1902-1905,  
s. 206 (a).

shall



shall, during a period of two years from the date of the conviction or finding, be incapable of being chosen or of sitting as a member of the Council or the Assembly.

*Illegal practices.*  
See 1904, No. 20,  
s. 146.

**185.** In addition to bribery and undue influence, the following shall be illegal practices:—

- (1.) Any publication of any electoral advertisement (other than an advertisement in a newspaper announcing the holding of a meeting), hand-bill, or pamphlet, or any issue of any electoral notice without at the end thereof the name and address of the person authorising the same;
- (2.) Printing or publishing any printed electoral advertisement, hand-bill, or pamphlet (other than an advertisement in a newspaper) without the name and place of business of the printer being printed at the foot of it;
- (3.) Any contravention by a candidate of the provisions of Part VI. of this Act relating to the limitation of electoral expenses;
- (4.) The attendance by a candidate after nomination day at any committee meeting held for the purpose of promoting or procuring his election on premises on which the sale by retail of any intoxicating liquor is authorised by license.
- (5.) The attendance by any member of a committee formed in the interests and with a view to obtain the return of any candidate at an election at a committee meeting held on any premises licensed to sell by retail spirituous liquors.

*Punishment.*  
See 1904, No. 20,  
s. 147.

**186.** Any illegal practice shall be punishable as follows:—

- (1.) Bribery or undue influence by a penalty not exceeding two hundred pounds, or by imprisonment not exceeding one year;
- (2.) Any other illegal practice by a penalty not exceeding one hundred pounds, or by imprisonment not exceeding six months.

*Gifts by candidates.*  
Com. 1902-1906,  
s. 206 (b).

**187.** Any person who, having announced himself as a candidate, shall, after the date for an election is ascertained, and within three months of the polling-day, offer, promise, or give, directly or indirectly, to or for any club or other association, any gift, donation, or prize, shall be guilty of an offence against this Act:

Provided that no proceeding shall be taken for a contravention of this section except within three months after the act complained of.

*Electoral offences.*  
See 1904, No. 20,  
s. 148.

**188.** The matters mentioned in the first column of the table at the foot of this section are electoral offences punishable as provided in the second column of the table opposite the statement of the offence.

*Table of Electoral Offences and Punishments.*

First Column.—Offences.	Second Column.—Punishments.
Falsely personating any person to secure a ballot-paper to which the personator is not entitled, or personating any other person for the purpose of voting	Imprisonment not exceeding two years
Fraudulently destroying or defacing any nomination or ballot-paper	Imprisonment not exceeding two years
Fraudulently putting any ballot or other paper into the ballot-box	Imprisonment not exceeding six months
Fraudulently taking any ballot-paper out of any polling booth	Imprisonment not exceeding six months
Forging or uttering, knowing the same to be forged, any nomination or ballot-paper	Imprisonment not exceeding two years
In any polling booth on polling day misconducting himself, or failing to obey the lawful directions of the presiding officer	Penalty not exceeding fifty pounds, or imprisonment not exceeding one month
Supplying ballot-papers without authority	Imprisonment not exceeding six months
Unlawfully destroying, taking, opening, or otherwise interfering with ballot-boxes or ballot-papers	Imprisonment not exceeding six months
Voting more than once at the same election	Imprisonment not exceeding two years
Wilfully making a false statement in any objection to any claim or to any name on the roll	Imprisonment not exceeding two years
Wagering on the result of any election ...	Penalty not exceeding fifty pounds
Wilfully defacing, mutilating, destroying, or removing, any notice, list, or other document affixed by any Returning Officer or by his authority	Penalty not exceeding two pounds
Wilfully making any false statement in any claim, application, return, or declaration, or in answer to a question under this Act	Imprisonment not exceeding two years
Signing as the claimant on a claim to be enrolled as an elector the name of any other person with or without the authority of such person	Imprisonment not exceeding twelve months
Distributing any advertisement, hand-bill, or pamphlet published in contravention of section one hundred and eighty-five	Penalty not exceeding fifty pounds, or imprisonment not exceeding one month
Any contravention of this Act for which no other punishment is provided	Penalty not exceeding fifty pounds

Prohibition of  
canvassing near  
polling booth.  
Com. 1902-1905,  
s. 182 (a).

**189.** The following acts are, on polling day, and on all days to which the polling is adjourned, prohibited in a polling booth or within fifty yards thereof, namely:—

- (1.) Canvassing for votes; or
- (2.) Soliciting the vote of any elector; or
- (3.) Inducing any elector not to vote for any particular candidate; or
- (4.) Inducing any elector not to vote at the election.

Witness to applica-  
tion must satisfy  
himself of truth of  
statements.  
Com. 1902-1905,  
s. 182 (b).

**190.** The person witnessing any claim, application to change the qualification of an elector, or application for a postal ballot paper under this Act shall, if he is not personally acquainted with the facts, satisfy himself by inquiry from the claimant or applicant, that the statements contained in the claim or application are true.

Failure to transmit  
claim.  
Com. 1902-1905,  
s. 182 (c).

**191.** When any person has signed a claim to be enrolled as an elector, any other person who induces the claimant to let him have custody of the claim for transmission to the Registrar, and fails without just cause or excuse to transmit the claim to the Registrar, shall be guilty of a contravention of this Act.

Particulars for  
Electoral Census—  
penalty for neglect  
or refusal to  
furnish.

**192.** Any person who neglects or refuses to furnish in the manner prescribed, or furnishes in an incomplete form, to any Electoral Census Collector such returns, claims, and other particulars as may be required from him in connection with any Electoral Census taken under the provisions of this Act, or who refuses to answer or who answers incompletely or wrongly any questions put to him by any Electoral Census Collector in the execution of his duties, shall be guilty of a contravention of this Act.

Employers to allow  
employees leave of  
absence to vote.  
Com. 1902-1905,  
s. 182 (d).

**193.** (1.) If an employee who is an elector notifies his employer before the polling day that he desires leave of absence to enable him to vote at any election, the employer shall, if the absence desired is necessary to enable the employee to vote at the election, allow him leave of absence without any penalty or disproportionate deduction of pay for such reasonable period not exceeding two hours as is necessary to enable the employee to vote at the election.

(2.) No employee shall, under pretence that he intends to vote at the election, but without the *bona fide* intention of doing so, obtain leave of absence under this section.

(3.) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

194.

**194.** Whoever in any polling place on polling day misconducts himself, or fails to obey the lawful directions of the presiding officer, may be removed from the polling place by any constable or by any person authorised by the presiding officer.

Offender may be removed from polling-booth.  
See 1904, No. 20, s. 149.

**195.** Any person so removed re-entering or attempting to re-enter the polling booth, without the permission of the presiding officer, shall be guilty of a further electoral offence punishable, on conviction, by twice the penalties prescribed in the table for the original offence.

Further punishment.  
See 1904, No. 20, s. 150.

**196.** If any person purporting to act for and on behalf of a candidate incurs or authorises any electoral expense without the written authority of the candidate or of his agent authorised in writing, he shall be guilty of a contravention of this Act.

Expenditure on behalf of a candidate.  
See 1904, No. 20, s. 151.

**197.** Every person shall be liable for an illegal practice committed directly or indirectly by himself, or by any other person on his behalf, and with his knowledge and authority.

Liability for indirect acts.  
See 1904, No. 20, s. 152.

**198.** Any attempt to commit an offence against this Act shall be an offence against this Act punishable as if the offence had been committed.

Attempts.  
See 1904, No. 20, s. 153.

**199.** On any prosecution under this Act the certificate of the Chief Electoral Officer or a Returning Officer that the election mentioned in the certificate was duly held, and that the person named in the certificate was a candidate at the election, shall be evidence of the matter stated.

Certificate evidence.  
See 1904, No. 20, s. 154.

**200.** Where imprisonment may be awarded for an offence against this Act, it may be awarded with or without hard labour.

Hard labour may be awarded.  
See 1904, No. 20, s. 155.

**201.** Offences against this Act punishable by imprisonment exceeding one year are indictable offences.

Indictable offences.  
See 1904, No. 20, s. 156.

**202.** All offences against this Act which are not indictable offences shall be punishable on summary conviction.

Summary conviction.  
See 1904, No. 20, s. 157.

**203.** Nothing contained in Chapter XIV. of the Criminal Code shall apply to Parliamentary elections.

Criminal Code not to apply to Parliamentary elections.  
See 1904, No. 20, s. 158.

## PART VIII.—MISCELLANEOUS.

Persons authorised  
to witness signa-  
tures.

**204.** (1.) The signatures to claims and other forms may be witnessed by any justice of the peace, returning officer, electoral registrar, post and telegraph master, public officer classified in the administrative, professional, or clerical division of the State or Commonwealth Public Service, classified State school teachers, member of the police force, electoral census collector, or any elector of the same province or district :

Provided that no person under twenty-one years of age shall be qualified to witness any claim or other form.

(2.) Any statutory declaration required under the provisions of this Act may be made before any person authorised to witness signatures to claims, and shall have the same force and effect, and in the case of a false declaration shall subject the declarant to the same penalty as if such declaration had been made before a justice of the peace.

Service.

**205.** Any notice under this Act may be served by posting it to the last known place of abode of the person to whom such notice is given, or to the place of living of such person appearing on any roll.

Electoral matter to  
be sent by post.  
See 1904, No. 20,  
s. 174.

**206.** All electoral papers transmitted through the post, if duly addressed, shall, on proof of posting, be deemed to have been duly served on and received by the person to whom they were addressed on the day when, in the ordinary course of post, they should have been received at his address.

Electoral matter  
may be sent by  
telegraph.  
See 1904, No. 20,  
s. 175.

**207.** In all cases where it is impracticable to communicate any electoral matter by post without occasioning undue delay, any telegraphic advice communicated in the ordinary course shall suffice for all the purposes of this Act as if the matter telegraphed had been communicated in manner provided by this Act.

A person unable to  
write may make his  
mark.  
See 1904, No. 20,  
s. 176.

**208.** Any person required by this Act to sign his name may, on satisfying an officer that he is unable to write, make his distinguishing mark, which shall be witnessed by the officer.

Forms.  
See 1904, No. 20,  
s. 177.

**209.** (1.) Strict compliance with the forms in the Schedule shall not be required, and substantial compliance therewith shall suffice for the purposes of this Act.

(2.) The forms in the Schedule may, subject to the provisions of this Act, be altered by the regulations.

**210.** (1.) The Governor may make regulations for carrying out this Act. **Regulations.**  
See 1904, No. 20,  
s. 178.

(2.) All such regulations shall be notified in the "Government Gazette," and shall thereupon have the force of law.

(3.) All such regulations shall be laid before both Houses of Parliament within thirty days after the making thereof, if Parliament is then sitting, and if not, then within thirty days after the next meeting of Parliament.

**211.** The Electoral Act, 1904, and sections twenty-six, twenty-seven, twenty-eight, twenty-nine and thirty of the Constitution Acts Amendment Act, 1899, are hereby repealed. **Repeal.**

## Section 12

## THE SCHEDULE.

## Form No. 1.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## DECLARATION BY RETURNING OFFICER.

I, \_\_\_\_\_ of \_\_\_\_\_, hereby declare that I accept the office of Returning Officer for the \_\_\_\_\_ Electoral Province [or the Electoral District], and that I will faithfully perform the duties of my office to the best of my understanding and ability, and that I will not attempt to improperly ascertain or discover, or directly or indirectly aid in discovering, the person for whom any vote is given, and that I will keep secret all knowledge of the person for whom any elector has voted which I may obtain in the exercise of my office, unless in answer to any question which I am legally bound to answer.

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

J.P.

## Section 22.

## Form No. 2.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## LEGISLATIVE COUNCIL ELECTORAL ROLL.

.....Electoral Province.

Number, Sex, Surname, Christian names, usual permanent place of living, and occupation of each elector.  
Particulars of qualification, and where property situated.

## Section 22.

## Form No. 3.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## LEGISLATIVE ASSEMBLY ELECTORAL ROLL.

.....Electoral District.

Number, Sex, Surname, Christian names, usual permanent place of living, and occupation of each elector.

Form No. 4.

Section 42.

(Front.)

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## LEGISLATIVE COUNCIL ELECTORAL CLAIM.

To the Electoral Registrar for the Electoral Province.

1. I claim to have my name placed on the Electoral Roll for the above mentioned Province.

2. I am not under the age of 21 years.

3. I am a natural born subject of the King [or naturalised subject of the King and have been naturalised for twelve months].

4. I am an inhabitant of Western Australia, and have continuously resided therein for six months.

5. The particulars regarding myself entered at back of this Claim Form are all true and correct.

6. My qualification for enrolment is as follows, namely:—

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

No other than the }  
 Claimant himself }  
 must sign here. } (Usual Signature of Claimant.)

I certify that the Claimant signed this claim in my presence, and that he has satisfied me that he possesses the qualification stated.

\*Witness:

\*Designation of }  
 position held }  
 by Witness. }

\* The signature of the Claimant may be witnessed by a Justice of the Peace, Returning Officer Electoral Registrar, Post and Telegraph Master, Public Officer classified in the administrative, professional, or clerical division of the State or Commonwealth Public Service, classified State School Teacher, member of the Police Force, Electoral Census Collector, or any elector of the same Province.

(Back.)

Surname:

All Christian Names at full length:—

Sex:

Occupation:

Usual permanent place of living, and full postal address:—

Usual Signature }  
 of Claimant } (No other than the Claimant himself must sign here.)

Claim Received.	Registrar's Date & stamp.	Claim Approved.	Registrar's Date Stamp.
}		}	
(Initials of Electoral Registrar.)		(Initials of Electoral Registrar.)	



Section 42.

Form No. 5.

(Front.)

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## LEGISLATIVE ASSEMBLY ELECTORAL CLAIM.

To the Electoral Registrar for the Electoral District of

1. I claim to have my name placed on the Electoral Roll for the above-mentioned District.

2. I am not under the age of 21 years.

3. I am a natural born [*or naturalised*] subject of the King.

4. I am an inhabitant of Western Australia, and have continuously resided therein for six months, and have resided in the above-mentioned district for a continuous period of one month immediately preceding the date of this claim.

5. The particulars regarding myself entered at back of this Claim Form are all true and correct.

6. To the best of my knowledge and belief my name is on the Roll for Electoral District.

† (Insert name of District, or, if NOT already registered in another District, fill in the words "NO OTHER.")

Dated the            day of            , 19    .

No other than the  
Claimant himself  
must sign here. }

(Usual Signature of Claimant.)

I certify that the claimant signed this claim in my presence, and that he has satisfied me that he possesses the qualifications stated.

\* Witness :

\* Designation of  
position held  
by Witness. }

\* The signature of the Claimant may be witnessed by a Justice of the Peace, Returning Officer, Electoral Registrar, Post and Telegraph Master, Public Officer classified in the administrative, professional or clerical division of the State or Commonwealth Public Service, classified State School Teacher, a member of the Police Force, Electoral Census Collector, or any elector of the same District.

(Back.)

Surname :All Christian names }  
at full length }Sex :Occupation :Usual permanent place of living, and full postal address :Usual Signature }  
of Claimant }

(No other than the Claimant himself must sign here.)

Claim  
Received. }

Registrar's Date Stamp.

(Initials of  
Electoral  
Registrar.)Claim  
Approved. }

Registrar's Date Stamp.

(Initials of  
Electoral  
Registrar.)

Form No. 6.

Section 44.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## NOTICE OF REJECTION OF CLAIM.

To

I hereby give you notice that your claim, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to have your name placed on the Electoral Roll for the \_\_\_\_\_ Province [or District] does not comply with Section forty-four of the Act in the following particular, namely—  
\_\_\_\_\_, and it is therefore rejected.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
\_\_\_\_\_  
Electoral Registrar.  
Electoral Province [or District].

Form No. 7.

Section 45.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## NOTICE TO CANCEL PREVIOUS ENROLMENT.

To the Electoral Registrar,  
Electoral District of \_\_\_\_\_

I hereby give you notice that \_\_\_\_\_, formerly residing at \_\_\_\_\_, and said to be enrolled to vote for the \_\_\_\_\_ Electoral District, has, on application, been enrolled for \_\_\_\_\_ Electoral District, and I therefore request you to strike the applicant's name off your roll, and inform me when such action has been taken.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
\_\_\_\_\_  
Electoral Registrar.  
Electoral District of \_\_\_\_\_

To the Electoral Registrar,  
Electoral District of \_\_\_\_\_

In compliance with your notice of the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the name of \_\_\_\_\_ has been removed from the roll for the \_\_\_\_\_ Electoral District.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
\_\_\_\_\_  
Electoral Registrar.  
Electoral District of \_\_\_\_\_

Section 46.

Form No. 8.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

OBJECTION TO CLAIM.

To the Electoral Registrar,

Electoral Province [or Electoral District of ].

Take notice that I object to the claim of to be enrolled as an  
 elector for the Province [or District] on the following grounds:—

I deposit herewith the sum of two shillings and sixpence.

Dated the day of , 19 .

An elector enrolled for the said Province [or District].

Sections 46, 47, 118,  
121, and 150.

Form No. 9.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

DECLARATION BY A PERSON WHOSE NAME IS OBJECTED TO.

I declare as follows:—

1. I am the elector enrolled on the Roll for the Province  
 [or District] in the name and  
 numbered .

2. I was legally qualified to be enrolled as an elector for the said Province  
 [or District], and am still so qualified.

3. I have not already voted at this Election either in person or by postal  
 vote.

Signature of elector .

Address .

Occupation .

Declared before me this day of , 19 .

Presiding Officer.

Polling Place.

Section 46.

Form No. 10.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

REGISTRAR'S OBJECTION TO CLAIM.

To

Take notice that I object to your claim to be enrolled as an elector for  
 the Province [or District], on the following grounds:—

Unless the annexed notice of appeal is signed by you and returned to me  
 within days from this date your claim will be rejected.

Dated the            day of            , 19

for the

Electoral Registrar  
Electoral Province [or District].

To the Electoral Registrar  
for the            Electoral Province [or District].

(Address)

Take notice that I appeal from your rejection of my claim to be enrolled as  
an elector for the            Province [or District].

Dated the            day of            , 19

(Signature)

Form No. 11.

Section 47

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

### OBJECTION TO ENROLMENT.

To the Electoral Registrar,

Electoral Province [or Electoral District of            ].

Take notice that I object to the name of            on the roll for the  
Province [or District] on the following grounds:—

I deposit herewith the sum of two shillings and sixpence.

Dated the            day of            , 19 .

An elector enrolled for the said Province [or District].

Form No. 12.

Section 47

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

### REGISTRAR'S OBJECTION TO ENROLMENT.

To

Take notice that I object to the retention of your name on the roll for the  
Province [or District] on the following grounds:—

Unless the annexed notice of appeal is signed by you and returned to me  
within            days from this date, your name will be struck off the roll.

Dated the            day of            , 19 .

for the            Electoral Registrar  
Electoral Province [or District].

To the Electoral Registrar for the            Electoral Province [or District].

(Address.)

Take notice that I appeal from your objection to the retention of my name  
on the roll for the            Province [or District].

Dated the            day of            , 19 .

(Signature.)

Section 49.

Form No. 13.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## APPLICATION TO SUBSTITUTE QUALIFICATION.

To the Electoral Registrar, for the \_\_\_\_\_ Province.

My name is at present enrolled on the Electoral Roll for the  
Province, in respect of the following qualification, viz.:\*

Situate at\*\*

I possess another qualification for enrolment as an elector for the same  
Province, viz.:

situate at\*\*

and hereby apply to have my qualification altered on the roll in respect of the  
qualification last mentioned.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Signature.

Witness.

- 
- \* (1.) Legal or equitable freehold estate in possession of the clear value of One hundred pounds sterling; or  
(2.) Householder occupying a dwelling house of the clear annual value of Twenty-five pounds sterling; or  
(3.) Leasehold estate in possession of the clear annual value of Twenty-five pounds sterling; or  
(4.) Holder of lease or license from the Crown to depasture, occupy, cultivate, or mine upon Crown lands at a rental of not less than Ten pounds per annum.  
\*\* State where qualifying property is situated with sufficient particulars to identify same.

Section 49.

Form No. 14.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*NOTICE THAT APPLICATION TO SUBSTITUTE QUALIFICATION  
IS NOT IN ORDER.

To

With reference to your claim for a substitution of qualification as an elector  
of the \_\_\_\_\_ Province, I beg to inform you that your application is  
not in order, for the following reasons:—

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Electoral Registrar,  
Province.

Form No. 15.

Section 51.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## APPLICATION TO CHANGE NAME OR ADDRESS ON ROLL.

To the Electoral Registrar

Province [or District].

In place of the particulars shown on the Roll, thus:—

Surname.	Christian Names at full length.	Usual permanent place of living.

Please substitute the following:—

Surname.	Christian Names at full length.	Usual permanent place of living.

as I have changed my surname by marriage [or changed my address].

Dated the       day of       19 .

Witness:

Signature of Elector.

-----

Form 16.

Section 68.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## WARRANT FOR ISSUE OF WRITS FOR A GENERAL ELECTION.

To the Clerk of the Writs.

You are hereby authorised and directed to proceed forthwith to issue Writs for the Election of one member for each Province [or District], within the State of Western Australia.

Dated this       day of       , 19 .

Governor.

Formed by Google

Section 66.

Form No. 17.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## WARRANT FOR THE ISSUE OF A WRIT FOR A BY-ELECTION.

To the Clerk of the Writs.

You are hereby authorised and directed to proceed forthwith to issue a Writ for the election of a member to serve in the Legislative Council [*or Assembly*] for the Province [*or District*].

Dated this       day of       , 19 .

Governor [*or President or Speaker*].

Section 66

Form No. 18.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## CERTIFICATE OF DEATH OF MEMBER.

We, the undersigned, being two members of the Legislative Council [*or Legislative Assembly*], do hereby certify that       , a member of the said House, serving for the       Province [*or District*], died upon the day of       , 19 , and we give you this notice to the intent that you may issue a Writ for the election of a member to supply the vacancy caused by the death of the said       .

Given under our hands this       day of       , 19 .

To the President of the Legislative Council [*or the Speaker of the Legislative Assembly, or His Excellency the Governor of Western Australia, as the case may require*].

Form No. 19.

Section 68.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## WRIT.

To \_\_\_\_\_, Returning Officer for the \_\_\_\_\_ Electoral Province  
[or the Electoral District of \_\_\_\_\_].

By virtue of the provisions of "The Electoral Act, 1907," I hereby authorise and require you to cause election to be held, according to law, of a member for the [here set out name of Province or District for which election is to be held] to serve in the Legislative Council [or Legislative Assembly]. And I appoint the following dates for the purposes of the said election:—

1. For nomination, \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at 12 o'clock, noon.
2. For taking the poll in case of the election being contested, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.
3. For return of writ, on or before \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Clerk of the Writs.

## Indorsements.

I, \_\_\_\_\_, Returning Officer for the [here set out the Province or District] do hereby certify that I have received the within writ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Returning Officer.

I, \_\_\_\_\_, Returning Officer for the [name of Province or District] do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, [fill in date of nomination if election uncontested, and date of polling-day if contested] was duly elected a member to serve in the [Legislative Council or Legislative Assembly] for the said [Province or District].

The number of votes polled by the candidates were as follows:—

[Insert names of the candidates and votes polled by each.]

Returning Officer.

The execution of this writ appears by the indorsements made by me thereon, and the same is sealed up by me and transmitted to the Clerk of Writs.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Returning Officer for the \_\_\_\_\_ Electoral Province  
[or the Electoral District of \_\_\_\_\_].

Form



Section 77.

Form No. 20.

---

WESTERN AUSTRALIA.

---

*The Electoral Act, 1907.*

---

NOMINATION PAPER.

---

To the Returning Officer for the Electoral Province [or for the  
Electoral District of ].

I, the undersigned, do hereby nominate myself as a candidate to serve in the  
Legislative Council [or Legislative Assembly] of the Parliament of Western  
Australia, for the Province [or District].

Dated the       day of       , 19 .

Name in full

Residence

Occupation

Received by me this       day of       , 19 , at       o'clock  
in the       noon.

Returning Officer.

---

## Form No. 21.

Section 90, 91.

## POSTAL BALLOT PAPER.

(Front.)

Consecutive No. 325. Section 91.

Form No. 21.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*ACKNOWLEDGMENT BY ELECTOR OF  
HAVING RECEIVED A POSTAL BALLOT  
PAPER.

I [here insert names in full], hereby acknowledge having this day received from Postal Vote Officer, a Postal Ballot Paper numbered as above, for use at the election of a member for the Province [or District] on the day of 19 , and I hereby declare:—

A.

- \* (1.) That I have reason to believe that on polling day I shall be more than seven miles from any polling place at which I am entitled to vote; my reason being
- \* (2.) That, being a woman, I shall on account of ill-health be unable, on polling day, to attend a polling place to vote;
- \* (3.) That I shall, on account of serious illness or infirmity, be unable to attend in person, on polling day, for the purpose of recording my vote at any polling place at which I am entitled to vote.

B.

- (1.) I am an elector duly enrolled on the roll for this Province [or District];
- (2.) That I was legally qualified to be enrolled as an elector for the said Province [or District], and am still so qualified;
- (3.) That I have not already voted for this election.

Signature of Elector

Address

Occupation

Signed and declared at day of 19 , before me this

Postal Vote Officer.

\* In making this declaration the Elector should strike out any of the paragraphs A. (1.), (2.), (3.), which do not meet his case.

Section 91.

Form No. 21.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## COUNTERFOIL.

Consecutive No. 325.

A.

(To be filled in by Postal Vote Officer under Section 91.)

Name of Province [or District]

Date of Election

Full names of Elector

Address of Elector

Occupation of Elector

Dated this day of 19 .

Postal Vote Officer.

Signature of Elector.

Consecutive  
No. 325.

BEAUFORT. 1

CUNNINGHAM. 2

MURRAY, Edward. 3

MURRAY, John. 4

(Back.)

Section 91.

Form No. 21.

WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## POSTAL VOTE OFFICER'S CERTIFICATE.

In connection with the issue of the Postal Ballot Paper, numbered as above, to the elector whose name appears in the Declaration on the front page of the butt, I hereby certify that the provisions of Part IV. of "The Electoral Act, 1907," have been duly complied with.

Dated this day of 19 .

Postal Vote Officer.

Postal Vote Officer's  
Signature.

Date of issue

Electoral { Province.  
District.

Form No. 21.  
Western Australia.  
"The Electoral Act, 1907."  
Section 91.

Section 108.

Form No. 22.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*APPOINTMENT OF PRESIDING OFFICERS, POLL CLERKS, AND  
DOORKEEPERS.

I hereby appoint [here insert names in full of person  
appointed] to be Presiding Officer, [or Assistant Presiding Officer, Poll Clerk or  
Doorkeeper] on duty at the polling-place, in the  
Province [or District] at the election to be held on the  
19 , for the above-mentioned Province [or District].

Dated the       day of       , 19 .

Returning Officer.

Section 108.

Form No. 23.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*DECLARATION BY PRESIDING OFFICERS, POLL CLERKS,  
AND DOORKEEPERS,

I,       , of       , do hereby declare that I accept the  
office of Presiding Officer [Assistant Presiding Officer, Poll Clerk, or Doorkeeper]  
at the       Polling Place in the       Province [or District], and  
I do hereby declare that I will faithfully perform the duties of my office to the  
best of my understanding and ability, and that I will not attempt to improperly  
ascertain or discover, or directly or indirectly aid in discovering, the person for  
whom any vote is given. And that I will keep secret all knowledge of the person  
for whom any elector has voted which I may obtain in the exercise of my office,  
unless in answer to any question which I am legally bound to answer.

Declared before me this       day of       , 19 .

Form No. 24.

Section 112.

BALLOT PAPER.  
(Front.)  
**BEAUFORT.**  
**CUNNINGHAM.**  
**MURRAY, Edward.**  
**MURRAY, John.**  


(Back.)

.....  
Presiding Officer's Initials.

Election: 24-11-1908. Form No. 24.

Western Australia.

"The Electoral Act, 1907."

Section 112.

.....Electoral Province [or District].

Form No. 25.

Section 113.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## DECLARATION BY SCRUTINEER.

I, \_\_\_\_\_ of \_\_\_\_\_, a scrutineer appointed by a candidate for election in and for the \_\_\_\_\_ Province [or District], do hereby declare that I will faithfully assist at such election, and that I will not attempt to improperly discover or directly or indirectly aid in discovering the person for whom any vote is given; and that I will keep secret all knowledge of the person for whom any elector has voted, which I may obtain in the exercise of my office, unless in answer to any question which I am legally bound to answer.

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Returning Officer or Presiding Officer.

Form

Section 175.

Form No. 26.

## WESTERN AUSTRALIA.

*The Electoral Act, 1907.*

## RETURN OF ELECTORAL EXPENSES.

I,\*  
 \* Insert name  
 and address  
 of candidate.

a candidate at the election for the

{ District  
 } Province

† Insert day of  
 polling, or if  
 no opposition  
 date of  
 nomination.

held on the † day of , 19 , make the following  
 return respecting my Electoral Expenses at such election :—

*Expenditure.*

\* The name and  
 description  
 and the  
 nature of the  
 work done by  
 each person  
 must be set  
 out separately.

† The name,  
 occupation,  
 and address of  
 each person  
 to whom any  
 sum is paid  
 and the  
 reason for  
 which it was  
 paid to him  
 must be set  
 out  
 separately.

‡ The name,  
 occupation,  
 and address of  
 each person to  
 whom any  
 sum is paid  
 and the  
 reason for  
 which it was  
 paid to him  
 must be set  
 out  
 separately.

(1.) \* Paid for printing, advertising, publishing,  
 issuing, and distributing addresses by me as  
 candidate, and notices of meetings ... ..

(2.) † Paid for Committee rooms ... ..

(3.) ‡ Paid for public meetings and halls not belong-  
 ing to public bodies therefor .. ..

£ s. d.

Form No. 26—continued.

Section 175.

## RETURN OF ELECTORAL EXPENSES—continued.

*Expenditure*—continued.

		£	s.	d.
§ The name of each scrutineer, the name of the polling place at which he was employed, and the sum paid to him must be set out separately.	(4) § Paid for scrutineers ... ..			
¶ The name of each agent and the sum paid to him must be set out separately.	(5) ¶ Paid for election agents ... ..			
¶ The name, occupation, and address of each person whose claim is disputed, the ground of the claim, and its amount must be set out separately.	¶ In addition to the foregoing, I am aware of the following disputed and unpaid claims, viz. :—			
	Total ...			

And I declare that this return is true in every particular, and that, except as appears by this return, I have not, and no person has with my knowledge or authority, paid any electoral expense incurred by me or on my behalf or in my interest at or in connection with the said election, or incurred any such expense or any liability for any such expense or given or promised any reward, office, employment, or valuable consideration on account or in respect of any such expense.

Signature of Candidate.

Declared before me this

day of , 19 .

Justice of the Peace.



# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XXVIII.

\*\*\*\*\*

No. 28 of 1907.

AN ACT to validate a Rate made and levied by the Road Board of the Road District of Cue, for the year ending the thirtieth day of June, 1907.

[Assented to 20th December, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The general rate made and levied or purporting to have been made and levied by the Road Board of the Road District of Cue, for the year ending the thirtieth day of June, One thousand nine hundred and seven, shall be deemed to have been lawfully made and levied; and all things necessary to be done in and towards the making and levying of such rate shall be deemed to have been duly performed; and the said rate may be recovered accordingly.

Validation of rate





# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XXIX.

\*\*\*\*\*

No. 29 of 1907.

## AN ACT to amend the Government Railways Act, 1904.

[Assented to 20th December, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Government Railways Amendment Act, 1907*, and shall be read as one with the Government Railways Act, 1904, hereinafter referred to as the principal Act, and except as hereinafter provided shall come into force on the passing thereof. Short title.

2. Section ten of the principal Act is amended by striking out the words "The Commissioner shall receive the salary of fifteen hundred pounds a year," and inserting in place thereof "The Commissioner shall receive such salary as may be fixed from time to time by the Governor." Amendment of 1904, No. 23, section 10.

Amendment of  
section 22.

**3.** Section twenty-two of the principal Act is amended by adding a proviso as follows:—

“Provided also that the powers conferred upon the Commissioner by this section may, from time to time, be exercised by the Governor, and any charges, conditions, and regulations fixed or imposed by the Governor shall supersede the charges, conditions, or regulations fixed or imposed by the Commissioner.”

Amendment of sec-  
tion 23.

**4.** Section twenty-three of the principal Act is amended by adding to subsection twenty-six the following words “or in any other manner affecting the duties of such employees, provided that such by-laws or regulations are in no way inconsistent with the terms of an award of the Arbitration Court or any industrial agreement that may be in force” and by inserting a subsection as follows:—

(26.) (a.) For establishing voluntary superannuation, sick, death, insurance, or guarantee funds, and for the deduction of prescribed contributions thereto from the pay of such employees as give their consent thereto.

Amendment of sec-  
tion 40.

**5.** Section forty of the principal Act is amended by inserting after the words “time tables,” in subsection one, the words “or rate books.”

Amendment of sec-  
tion 45.

**6.** Section forty-five of the principal Act is amended by adding a subsection as follows:—

“or,  
(5.) is brought before any two justices and charged with having or having had in his possession, either on his person or on or in any premises, any ticket or portion of a ticket which may be reasonably suspected of being unlawfully obtained, and does not give an account to the satisfaction of such justices how he came by the same,”

Amendment of sec-  
tion 59.

**7.** Section fifty-nine of the principal Act is amended by striking out the words “three years,” in subsection one, and inserting “five years” in place thereof and by adding a subsection as follows—

(4.) Every railway restaurant car and refreshment room leased under this section shall be deemed licensed premises, and the lessee shall be deemed a licensed person within the meaning of Part I. of “The Sale of Liquors Amendment Act, 1897.”

**8.** (1.) Section seventy of the principal Act is repealed, and the following shall be read in place thereof:— Amendment of section 70.

**70.** An Appeal Board shall consist of the following persons, that is to say:— Constitution of Appeal Board.

- (a.) A police or resident magistrate to be appointed from time to time by the Governor, and to be the chairman of the Board, or a person appointed in like manner to act as his deputy;
- (b.) One person to be appointed from time to time by the Commissioner, or a person appointed in like manner to act as his deputy; and
- (c.) One person and his deputy to be elected in the prescribed manner from among their number by the employees upon the salaried staff, and one person and his deputy from the locomotive branch, and one person and his deputy to be so elected from among their number by the employees on the wages staff; but only the person elected by the employees upon the staff on which the appellant is employed, or his deputy, shall act on the Board as the elective member on the hearing of the appeal.

(2.) This section and the next three following sections shall come into force on a day to be fixed by proclamation.

**9.** (1.) Subsection one of section seventy-one of the principal Act is repealed, and the following shall be read in place thereof:— Amendment of section 71.

“(1.) For the purpose of the ordinary election of the elective members of the Board a ballot shall be taken on the first Monday in February, one thousand nine hundred and eight, and on the first Monday in February in every third year thereafter.”

(2.) Section seventy-one of the principal Act is further amended by striking out the proviso in subsection two, and inserting in place thereof the following:—

“Provided that in any case where the seat of an elective member becomes vacant within three months of the ordinary election, the member elected to fill the vacancy shall continue in office until the end of the next succeeding term of three years.”

**10.** Section seventy-three of the principal Act is amended by striking out the words “The presence of the chairman and one other member shall constitute a sitting of the Board, and”. Amendment of section 73.

Deputy members of Board.

**11.** In the case of the illness or absence of a member of the Appeal Board, the place of such member may be filled by his deputy appointed as aforesaid or elected at the last triennial election, as the case may be:

Provided that if an elected deputy is unable or unwilling to act, a substitute may be appointed by the Governor on the nomination of the employees on the salaried, locomotive, or wages staff, as the case may be.

Amendment of section 74.

**12.** Section seventy-four of the principal Act is amended by inserting after the word "department," in line five of subsection four, the words "or the secretary as aforesaid," and by adding to subsection five "and shall have power to compel any witness to attend and give evidence."

Amendment of section 77.

**13.** Section seventy-seven of the principal Act is repealed, and the following shall be read in place thereof:—

No railway servant to engage in outside employment.

**77.** No officer or servant of the department shall—

(1.) Engage in any employment outside the duties of his office except with the approval of the Commissioner; or

(2.) In any way participate, or claim to be entitled to participate, in the profits of or in any benefit or emolument arising from any contract or agreement made by or on behalf of the Government; or

(3.) Acquire any Crown lands without the approval of the Minister.

Payment of salaries or wages may be proved by certified sheet.

**14.** A statement in writing at the foot of or indorsed upon a wages or salary pay sheet to the effect that the officers or employees therein named have been paid the amount of salary or wages set against their names shall, if purporting to be signed by a paying officer and countersigned by some other officer or employee of the department, be *prima facie* evidence of the payment set forth in such salary or wages pay sheet.

Railway police.

**15.** The Commissioner may, from time to time, with the approval of the Governor, appoint and dismiss special constables who, within the limits of the Government Railways, shall have, exercise, and enjoy all such powers, authorities, and immunities, and be liable to such duties and responsibilities as any police officer duly appointed now has by law:

Provided that such special constables shall not be members of the police force, but shall be the servants of the Commissioner and under his direction and control.

**16.** The Minister may from time to time, by Order in Council published in the *Government Gazette*, declare that any branch, spur, or other railway shall be a district railway, or shall cease to be a district railway. District railways.

**17.** The fact that a locomotive, whether attached to a train or not on a district railway, is run tender first shall not be deemed evidence of negligence. Exemption from liability.

**18.** The Commissioner may, from time to time, make special by-laws for organising, classifying, and paying the staff employed on or in connection with such district railways, and prescribing the terms of employment; and sections sixty-nine to seventy-six, inclusive, of the principal Act shall not apply to any person employed on or in connection with any such railway, unless such person is transferred from, or ordinarily employed on a Government railway which is not a district railway. By-laws as to staff.

**19.** Subject to the limitations and provisions herein contained, the provisions of the principal Act shall apply to district railways. Application of principal Act.



# WESTERN AUSTRALIA.



ANNO SEPTIMO

## EDWARDI SEPTIMI REGIS,

XXX.

\*\*\*\*\*

No. 30 of 1907.

AN ACT to confirm a Provisional Order  
authorising the Construction of certain  
Tramways in the Municipal District of  
Subiaco and the Claremont Road District.

[Assented to 20th December, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Nedlands Park Tramways Act*, 1907. Short title.

2. The Provisional Order made by the Minister for Works on the eighteenth day of September, one thousand nine hundred and seven, and set forth in the schedule of this Act, is hereby confirmed, subject to the amendments as follows:— Confirmation of  
Provisional Order.

(a.) The words "special cars," in clause eight, are struck out, and the words "specially chartered cars, and then only between the hours of half-past eleven o'clock p.m. and six o'clock a.m." are inserted in lieu thereof.

(b.)



- (b.) The words "run between the hours of half-past eleven o'clock p.m. and six o'clock a.m. on the following day" are inserted between "car" and "other," in clause nine.
- (c.) The word "specially" and the words "and could be made less inconvenient without great cost to the promoter," in clause twelve, are struck out.
- (d.) The following paragraph is added to clause fourteen:—

"The promoter shall deposit with the Colonial Treasurer the sum of One thousand pounds as a guarantee that the conditions set out in this paragraph will be complied with, and further should these conditions not be complied with, or the promoter cease to run nine non-special trams daily each way for a period of ten years from the date of completion of the work, the said sum of One thousand pounds shall be forfeited."

- (e.) The following words are added to clause seventeen:—

"If it should appear that any provisions of this order are in any respect inconsistent with the provisions of the Tramways Act, 1885 the provisions of this order shall prevail."

3. The said Road Board of the Claremont Road District shall have the power, and are hereby authorised to borrow, under the provisions of Part VII. of the Roads Act, 1902, any moneys that may be required by the Board for the construction of the road along the line of route of the said tramway, provided that the provisions of sections one hundred and sixty-one to one hundred and sixty-four inclusive of the said Act shall not apply to any loan raised under the authority of this Act.

Powers for promoter to construct, maintain, and work tramways.

4. Subject to the provisions of the Tramways Act, 1885, the promoter named in the said Provisional Order and his assigns (hereinafter called the promoter) may make, form, lay down, construct, maintain, and work the tramways set forth in the said Provisional Order.

Power to construct and use railways crossing tramways.

5. It shall at all times hereafter be lawful for the Minister for Works to construct, and for the Commissioner of Railways to maintain and use lines of railway crossing the said tramways at any points; and whenever any such line of railway shall have been so constructed, the Commissioner of Railways may require the promoter, at his own cost, to erect a suitable bridge over such railway for the tramway traffic.

Schedule incorporated.

6. The Schedule hereto shall form part of this Act.

## THE SCHEDULE.

## PROVISIONAL ORDER.

WHEREAS EDWARD BRUCE, of Folkestone, in the County of Kent, England, Companion of the Bath, Colonel in His Majesty's Indian Army (hereinafter called the "Promoter") has made application to me for a Provisional Order authorising the construction of Tramways in the Municipality of Subiaco and the Claremont Road District, along the routes specified in the Schedule hereunder written. AND WHEREAS the Promoter has published notice of his intention to make such application in the form prescribed in the Schedule "B" annexed to "The Tramways Act, 1885," by advertisement in the *Government Gazette* and in the *Guardian* newspaper published at Subiaco, and has deposited the documents described in Schedule "C" annexed to the same Act at the Department of Public Works, Perth, and with the Town Clerk of Subiaco, and with the Secretary of the Claremont Road Board; AND WHEREAS I have considered the said application and it appears to me expedient and proper that the said application should be granted, NOW THEREFORE I, the Minister for Works for Western Australia, do HEREBY, by virtue of the provisions of "The Tramways Act, 1885," MAKE a Provisional Order, and I DO ORDER as follows, that is to say—

1. The Promoter shall be and he is hereby empowered to make, form, lay down, construct, maintain, and work tramways in, upon, and along such of the streets and roads in the Municipality of Subiaco and the Claremont Road District as are mentioned in the said Schedule hereunder written: Provided, nevertheless, that notwithstanding anything herein contained, it shall be lawful for the Minister for Works at any time within six months from this date, by notice in writing to the Promoter, delivered at his Registered Office for the time being, to prohibit the construction of any part or parts of the said Tramway which, in the opinion of the Minister for Works, may interfere with the railway system.

2. The Promoter shall, within nine months after the confirmation of this Provisional Order, or within such extended time as the Minister for Works may approve, substantially commence the work in connection with the said Tramway, and complete same within 9 months of such commencement, or in default forfeit the deposit which is to be made by the Promoter to the Colonial Treasurer in terms of Section 11 of "The Tramways Act, 1885."

3. The said Tramways shall be constructed on the 3ft. 6in. gauge, and shall be laid with steel rails.

4. The roads of all the lines over which the Municipality and Road Board shall respectively have control shall be macadamised by the Municipality or Road Board, as the case may be, for a uniform width of 18 feet and a depth of 12 inches, and shall be constructed on a foundation of eight inches of limestone broken to a six-inch gauge and four inches of blue metal with the necessary ironstone gravel blinding, and the macadam shall be kept in thorough repair to the level of the rails by the Municipality or Road Board having control of such road until the Municipality or Road Board, as the case may be, shall macadamise its roads on each side of the tram route up to the kerbs of the footpaths, and thereafter the road shall be maintained as provided by "The Tramways Act, 1885," Section 21.

5. The local authorities shall construct the above roads, or so much thereof as shall be under their control, simultaneously with the construction of the tramway, and all road metal lifted or broken shall belong to the Promoter so far as he needs it for relaying and reconstructing, but in no case is the Promoter to remove such metal except for tramway purposes on the route above specified.

6. Notwithstanding anything contained in Clauses 4 and 5 of this Provisional Order, as between the Promoter and the Minister for Works, the Promoter is held liable for properly macadamising the road for a width of 6ft. 6in. for single tramlines and 16ft. for double tramlines if constructed, and for keeping such roadway in thorough repair to the level of the rails.

7. The said Tramways shall be used for the conveyance or carriage of passengers only, but the local authority shall have the right to use the tramway lines between the hours of 2 and 5 a.m. on such dates as may be mutually agreed on for the purpose of running scavenging or other trucks, or distributing road material, or for any other works, the local authorities to furnish their own motive power and conveyances in the way of trucks to be approved of by the promoter. In the event of any damage being done to the line by the local authorities, such damage shall be made good at the expense of such local authority as shall cause such damage.

8. The Promoter may demand and take, for every passenger conveyed upon the said Tramways, any tolls and charges not exceeding, except in the case of special cars, in amount the sum of threepence for any single fare on a single journey from or to the intersection of Rokeby Road-Thomas Street, and the terminus near the foreshore of Melville Water. All workmen travelling on trams before 8 a.m. shall be entitled to return tickets at a fare not exceeding threepence, the return half of such ticket to be available on day of issue for trams running between 5 and 6.30 p.m. on ordinary days, and between 12 noon and 1.30 p.m. on Saturdays, and shall also be available on day of issue for workmen travelling by workmen's tickets to the Rokeby Road terminus of the Perth Electric Tramways on cars of that Company between the hours of 5 and 6.30 p.m. on ordinary days, and between noon and 1.30 p.m. on Saturdays on the next connecting car of the Promoter. PROVIDED also, that so long as school children are allowed to travel on the Perth Tramway lines and suburbs at reduced fares as now charged, the Promoter shall carry school children on his line on similar terms to and from the terminus at Nedlands Park. In every such case such fares shall entitle the passenger to carry ordinary personal luggage not exceeding 20lbs. weight without additional charge.

9. The restrictions herein contained as to tolls and charges which the Promoter may demand and take for the conveyance or carriage of passengers shall not extend to any special car other than workmen's cars, but shall apply only to the ordinary cars appointed by the Promoter from time to time for the conveyance of passengers.

10. The tolls and charges authorised to be taken and which shall be demanded by the Promoter, shall be paid to such persons and at such places upon or near the tramways, and in such manner and under such regulations as the Promoter shall appoint by notice to be exhibited in some conspicuous place in the inside of each of the passenger cars used by the Promoter upon the said tramways.

11. Every passenger travelling upon the tramways may take with him ordinary personal luggage belonging to him, not exceeding in weight 20lbs., without any charge being made for the carriage thereof.

12. All cars used on the said tramways shall be moved by electric power, and the Promoter may erect and maintain all such poles and posts with wires attached thereto, in the said streets mentioned in the said Schedule hereunder written, along the routes therein mentioned, as may be necessary or required for supplying electricity to the said cars and for working the said tramways on the overhead trolley system: Provided that the Minister for Works shall be entitled to direct the alteration of position of any pole or post or wire, if it appears to him that the same is specially inconvenient and could be made less inconvenient without great cost to the Promoter; and in the event of such direction being given by the said Minister for Works, the Promoter shall comply with it without delay.

13. All cars using the said tramway may travel at a speed not exceeding the rate of 10 miles an hour, and may follow after each other at distances of not less than 50 yards, and may stop at any point on the said tramways, except on crossings of streets, for the purpose of taking up and setting down passengers, and may stand at the terminus of any of the said tramways.

14. For the first three years after the completion of the line the Promoter shall continuously maintain a minimum daily service from terminus to terminus of not less than nine non-special trams each way, except on such days as trams cease to run between Subiaco and Perth, and after the aforesaid three years, as may from time to time be determined by the Promoter and the local authorities, or failing their agreeing, by the Minister for Works for the time being, provided that any service operated after such three years shall gross or earn not less than an annual average of fifteen pence per car mile; and the Time Tables shall be mutually arranged between the Promoter and the local authorities; and in case of difference shall be fixed by the Minister for Works, whose decision shall be final.

15. The said tramways shall be constructed in accordance with the drawings herewith (subject to provisos herein contained), with double or single lines, as the case may be; but the Minister for Works may, from time to time, upon the application of the Promoter, alter or vary the same, or authorise or require the Promoter to alter or vary the same.

16. All additional plans and specifications required in connection with the carrying out of the works shall be submitted to the Minister for Works and the Engineer of the Local Authority for approval, and all work shall be carried out and finished to the entire satisfaction of the Local Authority and their Engineer, and of the Minister for Works.

17. Nothing herein contained shall prejudice or affect an agreement dated the 7th day of August, 1907, made in connection with the tramway, between the Mayor and Councillors and Ratepayers of the Town of Subiaco of the first part, the Chairman, Members and Ratepayers of the Claremont Road Board of the second part, and Edward Bruce, of Folkestone, England, C.B., Colonel in His Majesty's Indian Army, of the third part, except so far as the same is contrary to or in conflict with the provisions of this Order or of "The Tramways Act, 1885."

18. The Promoter, his transferees or successors, may from time to time make and enter into and carry into effect contracts, agreements, and arrangements for or with reference to the use by such transferees or successors of the said tramways or portion thereof, and for prescribing and regulating the tolls and charges to be paid for such use, and the terms and conditions of such user, and all matters incidental thereto.

19. The term "The Promoter" whenever hereinbefore used shall mean and include the said Edward Bruce, his executors, administrators, and assigns, whenever the context so requires or admits.

---

SCHEDULE ABOVE REFERRED TO:

A tramway from the intersection of Rokeby Road and Thomas Street, Subiaco; thence running along Thomas Street to Ferdinand Street; thence along Ferdinand Street to University Avenue; thence along University Avenue to Hampden Road; thence along Hampden Road to the Perth-Fremantle Road, and thence along Broadway in Swan Locations 86, 268, and 123 to a point near the foreshore of Melville Water in Swan Location 123.

Given under my hand this eighteenth day of September, one thousand nine hundred and seven.

JAMES PRICE,  
Minister for Works.



# THE STATE CHILDREN ACT, 1907.

(No. 31 of 1907.)

## ARRANGEMENT.

### PART I.—PRELIMINARY.

- Sec.  
1. Short title.  
2. Division.  
3. Repeal.  
4. Interpretation.

### PART II.—THE STATE CHILDREN DEPARTMENT.

5. State Children Department.  
6. Secretary.  
7. Inspectors and other officers.  
8. Visitors.  
9. Boarding-out committees.  
10. General powers of secretary.  
11. Record of State children to be kept.  
12. Annual report.

### PART III.—INSTITUTIONS.

13. Government institutions.  
14. Subsidised institutions.  
15. Existing institutions continued.  
16. Manager to be approved.  
17. Institutions may be established for particular religious denominations.

### PART IV.—STATE CHILDREN AND CHILDREN'S COURTS.

#### *Constitution and powers of Court.*

18. Children's Courts.  
19. Powers of Court.  
20. Jurisdiction of other courts to cease.  
21. Children's Courts not to be held in ordinary courts.  
22. Exclusion of persons from hearing.  
*Committal of destitute or neglected children.*  
23. Power to apprehend neglected or destitute children.  
24. Powers of court with respect to destitute or neglected children.  
25. Order for detention.  
26. How uncontrollable child may be dealt with.

- Sec.  
27. Uncontrollable children may be charged by Department.  
28. How convicted children may be dealt with.  
29. When probationer may be arrested.  
30. Child over sixteen years of age at time of committal may be detained for two years.  
31. No detention after age of eighteen.  
32. Institution to which children to be sent.  
33. Habitual truants.  
34. Form of order.  
35. Statement of age and religion to be *prima facie* evidence.  
36. Certificate of secretary, etc., indorsed on order to be *prima facie* evidence.  
37. State children absconding, etc., may be apprehended without warrant.  
38. Governor may release State child.  
39. Removal of inmates from one institution to another.  
40. Governor may extend period of detention.  
41. The Department or governing authority may apprentice children.  
42. Secretary or governing authority may place out children.  
43. State children to attend school regularly.  
44. The apprenticing or placing out of children to be subject to regulations.  
45. Provisions in indentures.  
46. Wages may be paid into Government Savings Bank.  
47. Moneys banked may be expended for the child's benefit.  
48. Secretary or governing authority may recover wages.  
49. Indentures of apprenticeship and licenses may be assigned with consent of Minister.  
50. On death of foster-parent, widow, etc., may nominate new foster-parent.  
51. Indentures and licenses may be cancelled.  
52. Change of residence to be notified by foster-parent.  
53. Notice to be given if child absconds, becomes ill, or dies.  
54. Penalty for ill-treating State child apprenticed, etc.  
55. Department to have general supervision of State children.

---

*State Children.*

---

- Sec.  
 56. Apprenticed and placed-out children to be visited.  
 57. Minister may pay for maintenance of child.  
 58. Payments for maintenance of State children to foster-parents.

---

PART V.—MAINTENANCE OF CHILDREN BY THEIR RELATIVES.

59. Order of liability of near relatives for maintenance of any child.  
 60. On complaint Court to issue summons.  
 61. Court may order payment of maintenance.  
 62. Order to take effect from pronouncement.  
 63. Allegations in complaint *prima facie* evidence.  
 64. Court may adjudge person to be father of illegitimate child.  
 65. Confinement expenses.  
 66. Attachment of property of persons against whom order is sought.  
 67. Court may make orders for delivery, etc., of attached property.  
 68. Court may require security for compliance with order.  
 69. Power to increase amount.  
 70. Orders may be varied, etc., on further inquiry.  
 71. Collection by the police of moneys due to the Department.  
 72. Caveats.  
 73. Warrants may be granted to enforce payment under orders.  
 74. Warrant when registered to bind land.  
 75. Sale may be by auction or private contract.  
 76. Authority to sell includes power to execute assurances to purchaser.  
 77. Warrant may be issued without previous demand.  
 78. Payment under warrant to discharge persons paying.  
 79. Application of moneys received under warrant.

---

PART VI.—COMMITTAL TO THE CARE OF PRIVATE PERSONS OR SOCIETIES.

80. Governor may approve of private persons or societies having care of children.  
 81. Manager of societies to be approved by Governor.  
 82. Power of Court to commit to such person or society.  
 83. The person or manager of society to whose care child committed to become guardian.

- Sec.  
 84. New managers to succeed to guardianship.  
 85. Child not to be committed contrary to objection of father on ground of religion.  
 86. Committal by parent.  
 87. Children may be visited.  
 88. Transmission of guardianship upon death or revocation of order.  
 89. Guardianship to cease on revocation of order.  
 90. Form of order.  
 91. Order of committment sufficient warrant for detention.  
 92. Power to transfer child to care of Department.  
 93. Child not to be removed out of Western Australia.

---

PART VII.—LICENSING OF CHILDREN.

94. Issue of licenses.  
 95. Penalty for employing child in contravention of Act.

---

PART VIII.—LYING-IN HOMES AND FOSTER-MOTHERS.

96. Power to assist women in lying-in homes.  
 97. Lying-in homes kept for gain to be licensed.  
 98. Department may license lying-in homes.  
 99. Penalty on keeping unlicensed lying-in homes.  
 100. Foster-mothers to be licensed.  
 101. Department may license foster-mothers.  
 102. Penalty on unlicensed foster-mothers.  
 103. Penalty on licensed foster-mother taking charge of more children than allowed by license.  
 104. Lying-in homes to be opened for inspection.  
 105. Register to be kept by licensee of lying-in home.  
 106. Register to be kept by foster-mother.  
 107. Returns and records.

---

PART IX.—PROCEDURE, PENALTIES, AND GENERAL PROVISIONS.

108. Officer of Department may take part in all trials against children.  
 109. Officer of Department may conduct cases where complaint made.  
 110. Order may be set aside.  
 111. Returns of complaints and convictions.  
 112. Penalty for taking, removing, harbouring, etc., State children.  
 113. Penalty for communicating with children in institutions.

---

*State Children.*

---

Sec.	Sec.
114. Penalty for permitting escape.	124. Whipping.
115. Penalty for person disobeying order and quitting the State.	125. Persons in charge of State children to have privilege of constables.
116. Penalty for desertion of child under certain circumstances.	126. General penalty.
117. Court may issue warrant for arrest of deserter upon complaint on oath.	127. Application of Justices Act, 1902.
118. Court may determine matter in summary way.	128. Forms of proceedings.
119. Children employed in a circus.	129. Order to be a defence to actions.
120. Certain children to travel free on Government railways.	130. Protection to Department and officers.
121. Gifts to Minister to be applied for benefit of objects of such gifts.	131. Appropriation of penalties.
122. Justices may enforce compliance with orders by fine or imprisonment.	132. Regulations.
123. Warrant in first instance.	133. Regulations to be laid before Parliament and gazetted.

---

SCHEDULES.





WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XXXI.

\*\*\*\*\*

No. 31 of 1907.

AN ACT to make better provision for the Protection, Control, Maintenance, and Reformation of Neglected and Destitute Children, and for other purposes.

[Assented to 20th December, 1907.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *State Children Act*, 1907.

Short title.

This Act is divided into the following Parts:—

Division.

PART I.—PRELIMINARY, ss. 1-4.

PART II.—THE STATE CHILDREN DEPARTMENT, ss. 5-12.

PART III.—INSTITUTIONS, ss. 13-17.

PART IV.—STATE CHILDREN AND CHILDREN'S COURTS, ss. 18-58.

PART V.—MAINTENANCE OF CHILDREN BY RELATIVES,  
ss. 59-79.

PART VI.—COMMITTAL TO THE CARE OF PRIVATE  
PERSONS OR SOCIETIES, ss. 80-93.

PART VII.—LICENSING OF CHILDREN, ss. 94-95.

PART VIII.—LIVING-IN HOMES AND FOSTER MOTHERS,  
ss. 96-107.

PART IX.—PROCEDURE, PENALTIES, AND GENERAL  
PROVISIONS, ss. 108-133.

**Repeal.**

**3.** The Acts specified in the First Schedule are hereby repealed to the extent therein stated: Provided that—

- (1.) Any appointment or order made, any license granted, and any indenture of apprenticeship or contract entered into under any enactment hereby repealed, shall continue in force as if the same had been made, granted, or entered into under this Act:
- (2.) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to the corresponding provisions of this Act:
- (3.) Except as aforesaid, this repeal shall not affect any right, interest, or liability already created, incurred, or existing, nor anything lawfully done or suffered under any enactment hereby repealed; and any proceeding in respect of any such right, interest, or liability may be carried on as if this Act had not been passed.

**Interpretation.**

**4.** In this Act, unless the context or subject matter otherwise indicates or requires,—

- “Board out” means to place a State child in the care or charge of some person for the purpose of being nursed or maintained by such person, or in such person’s house.
- “Child” means any boy or girl under the age of eighteen years; and, in the absence of positive evidence as to age, means any boy or girl under the apparent age of eighteen years;
- “Court” means a Children’s Court established under this Act;
- “Department” means the State Children Department constituted under this Act;
- “Destitute child” means any child who has no sufficient means of subsistence apparent to the Court, and whose near relatives are, in the opinion of the Court, in indigent circumstances and unable to support such child, or are dead, or unknown, or cannot be found, or are out of the jurisdiction, or in the custody of the law;

“Foster-mother”

- “Foster-mother” means a female having the care, charge, or custody of a child under three years of age to adopt, rear, nurse, or otherwise maintain such child apart from his or her parent, and not being a near relative of such child;
- “Foster-parent” means any person to or with whom a State child is apprenticed or placed out under this Act, or under any enactment by this Act repealed, and includes the assignee of such person;
- “Governing authority” means the manager or committee of management of any subsidised institution;
- “Industrial school” means an institution approved and certified by the Governor for the purposes of this Act, for the detention, maintenance and training of children found guilty of an offence punishable by imprisonment, or of children transferred from another institution under this Act, and includes a reformatory ;
- “Inmate” means a State child maintained in an institution;
- “Institution” means and includes any Government industrial school, and all orphanages, industrial or reformatory schools established under the Industrial Schools Act, 1874, every receiving depot, or shelter, established under this Act, and all other places for the time being under the supervision of the Department ;
- “Judge” means a Judge of the Supreme Court;
- “Lying-in home” means a place for the accommodation of females during their confinement and lying-in, and includes any home maintained for such purpose by the Government.
- “Maintenance” includes clothing, support, training, and education;
- “Maintenance order” means an order made by the Court for payment of money by any near relative in respect of the maintenance of a child;
- “Minister” means the Minister for the time being charged with the administration of this Act;
- “Near relative” means, except as regards an illegitimate child, father, mother, step-father, step-mother, brother, sister, or any grand parent of the child ; and as regards an illegitimate child, the mother and the person admitting himself to be or adjudged by a competent Court to be the father of such child, and the husband of the mother of such child, if born before their marriage ;
- “Neglected child” means any child who—
- (1.) Habitually begs or receives alms, whether under the pretext of sale or otherwise, or frequents any public place for the purpose of so begging or receiving alms ; or
  - (2.)

- (2.) Wanders about, or frequents any public place, or sleeps in the open air, and does not satisfy the Court that he or she has a home or settled place of abode; or
- (3.) Resides in any reputed brothel, or associates or dwells with any person known to the police or reputed to be a prostitute, whether such person is the mother of such child or not; or
- (4.) Associates or dwells with any person who has been convicted of vagrancy, or is known to the police as of bad repute, or who has been or is reputed to be a thief or habitual drunkard; or
- (5.) Is under the guardianship of any person whom the Court shall consider unfit to have such guardianship; or
- (6.) Is illegitimate, and whose mother is dead or is unable to maintain or take charge of such child; or
- (7.) Is living under such conditions as to indicate that the child is lapsing or likely to lapse into a career of vice or crime; or
- (8.) Not being duly licensed for that purpose, is engaged in street trading;

“Orphanage” means an institution for the detention, maintenance, training, education and employment of destitute or neglected children, and which has been approved and certified by the Governor for the purposes of this Act;

“Police Officer” includes any constable or officer of police;

“Prescribed” means prescribed by this Act or the regulations;

“Proclamation” means proclamation by the Governor published in the “Government Gazette;”

“Regulations” means the regulations in force for the time being under this Act;

“Secretary” means the Secretary of the Department appointed under this Act;

“Special magistrate” means a police magistrate, government resident, or resident magistrate, or a Justice of the Peace nominated by the Governor for the purposes of this Act;

“State child” means a “destitute child” or “neglected child” received into a Government institution or a subsidised institution, or apprenticed or placed out under the authority of this Act;

“Subsidised

"Subsidised Institution" means an institution maintained wholly or partially by contributions from the Consolidated Revenue Fund;

"This Act" includes regulations.

## PART II.—THE STATE CHILDREN DEPARTMENT.

5. For the purposes of this Act there is hereby constituted a State Children Department, under the control of the Minister, to be called the State Children Department.

6. The Governor may, from time to time, appoint a Secretary. Secretary of the Department, and it shall be the duty of the Secretary, under the direction of the Minister to carry into operation the provisions of this Act so far as the execution thereof is not expressly committed to any other person.

7. (1.) The Governor may, from time to time, appoint inspectors and other officers, with such powers and functions as he deems necessary to carry out the purposes of this Act. Inspectors and other officers.

(2.) The Governor may declare that the Public Service Act, 1904, shall not apply to any inspector or officer appointed under this Act, and in such case the Public Service Act, 1904, shall not apply to such officer.

8. The Minister may, from time to time, appoint so many fit and proper persons as he thinks necessary to be visitors of Government institutions. Visitors.

9. (1.) The Minister may, from time to time, appoint so many fit and proper persons as he thinks necessary to form boarding-out committees. Boarding-out committees.

(2.) The persons appointed as members of such committees shall, in accordance with the regulations, assist the Department in procuring and supervising boarding-out homes and in the care of the State children sent to such homes under this Act.

10. (1.) Subject to the regulations and the direction of the Minister, the Secretary shall have the care, management, and control of the persons and property of all State children, and the supervision of all children nursed by foster-mothers. General powers of secretary.

(2.) All children committed to the care of the Department may from time to time be dealt with by the Secretary in any of the following ways:—

- (a.) Placed in some receiving depot.
- (b.) Detained in an institution.
- (c.) Transferred with the approval of the Minister from one institution to another institution.
- (d.) Boarded out, apprenticed, or placed at service with some suitable person.

(e.) Placed in the custody of some suitable person who may be willing to take charge of such child.

Record of State children to be kept.

**11.** The Secretary shall keep records of all moneys received and paid, and so far as known of the names, ages, dates of reception, near relatives, nationality, sex, religion, and dates of departure of all State children, and of all dispositions of and dealings with such children.

Annual report.

**12.** The Secretary shall in every year report to the Minister on the working of this Act, and shall in such report specify the number of children in the several institutions, the number placed out and apprenticed during the period covered by the report, and set out a summary of the receipts and expenditure of the Department during the same period, and any other particulars which the Minister may direct from time to time to be included in such report. All such reports shall be laid before Parliament.

### PART III.—INSTITUTIONS.

Government institutions.

**13.** (1.) The Governor may declare any building or place to be a Government institution, and such building or place so proclaimed shall thereupon be a Government institution within the meaning and for the purposes of this Act.

(2.) The Governor may discontinue and close any Government institution, and direct the removal of the inmates to some other institution.

(3.) Any order under this section may be altered or revoked by the Governor.

Subsidised institutions.

**14.** (1.) The Governor may declare any building or place to be a subsidised institution, and such building or place so proclaimed shall thereupon be a subsidised institution within the meaning and for the purposes of this Act.

(2.) The Governor may discontinue any such institution as a subsidised institution, whereupon all State children being inmates thereof, and all State children apprenticed or placed out by the governing authority thereof, shall be sent to and detained in any other institution, or otherwise dealt with under this Act.

(3.) Any order under this section may be altered or revoked by the Governor.

Existing institutions continued.

**15.** (1.) The Government Industrial School at Subiaco, established before the commencement of this Act, is hereby declared to be a Government institution within the meaning and for the purposes of this Act.

(2.) The orphanages and industrial and reformatory schools established before the commencement of this Act, specified in the Second Schedule, are hereby declared to be subsidised institutions within the meaning and for the purposes of this Act.

**16.** No person shall be appointed or continue to be the manager or have the chief control of any subsidised institution unless approved by the Governor.

Manager to be approved.

**17.** If any institution is established and maintained for the children of any particular religious denomination exclusively, the Governor may limit the same as an institution for such children only, and in such case no child shall be committed to such institution who is not of the denomination mentioned in the order-in-council.

Institutions may be established for particular religious denominations.

#### PART IV.—STATE CHILDREN AND CHILDREN'S COURTS.

##### *Constitution and powers of Court.*

**18.** (1.) The Governor may establish special courts, to be called Children's Courts.

Children's Courts.

(2.) Every such court shall consist of a special magistrate, and shall have jurisdiction within the area named in the order-in-council.

(3.) In the absence of the special magistrate, or in places not within such area, the jurisdiction of a Children's Court may be exercised by any two or more Justices of the Peace.

**19.** A Children's Court and the magistrate or justices constituting such Court—

Powers of Court.

(a.) shall exercise the powers and authorities which are possessed by resident magistrates or two or more justices under the Justices Act, 1902, in respect of children, and of offences committed by or against children; and

(b.) shall hear and determine all complaints and applications under this Act, and under sections ten and twelve of the Public Education Act, 1899, and section three of the Public Education Amendment Act, 1905.

**20.** On and after the establishment of a Children's Court, the jurisdiction of every court of petty sessions in respect of the matters as to which the Children's Court has jurisdiction shall cease to be exercised within the area proclaimed:

Jurisdiction of other courts to cease.

Provided that nothing in this section shall abridge or prejudice the ministerial powers of justices in cases of committal for trial, or their powers to take any information or complaint or issue any summons, or grant, issue, or indorse any warrant, or admit to bail:

Provided also that no conviction, order, judgment, or proceeding made or given by or heard before a court of petty sessions in contravention of this section shall be invalidated or affected by reason only of such contravention.

**21.** (1.) The Children's Court shall be held within the city of Perth and in such other places as the Governor may direct, in some building approved or appointed in that behalf by the Minister, and not in any police or other court-house.

Children's Courts not to be held in ordinary courts.



(2.) Subject as hereinbefore provided a Children's Court shall be held in some building or place approved of in that behalf by the Minister :

Provided that if a court-house or magistrate's office is so approved of, the hearing shall not take place at an hour when the ordinary court business is being transacted.

Exclusion of persons from hearing.

**22.** (1.) At any hearing or trial by a Court under this Act, the Court may order that any persons not directly interested in the case shall be excluded from the court-room or place of hearing.

(2.) It shall not be lawful to publish a report of the proceedings before the Court, or of the result of any such proceedings, if such publication has been prohibited by the Court.

*Committal of destitute or neglected children.*

Power to apprehend neglected or destitute children.

**23.** Any officer of the Department authorised by the Minister, and any police officer may, without warrant, apprehend any child appearing or suspected to be a destitute or neglected child, and when any such child is apprehended, pending the hearing of the charge or information, or during any adjournment thereof, such child shall be disposed of in one of the following ways:—

- (a.) Taken to a receiving depot, shelter, or other Government institution and placed therein;
- (b.) Placed with some respectable person, and such arrangement or agreement may be made as may be necessary or proper for the care and maintenance of such child;
- (c.) Placed in the dwelling of a police officer at prescribed charges; or
- (d.) Placed in a police gaol or lock-up and kept apart from other prisoners: Provided that no child shall be detained in a police gaol or lock-up unless the charge pending is of so serious a nature that his safe custody is of paramount importance.

Powers of court with respect to destitute or neglected children.

**24.** The Court upon complaint being made, and upon being satisfied that any child charged with being a destitute child or a neglected child, is in fact a destitute child or a neglected child, may order such child to be—

- (a.) Committed to the care of the Department; or
- (b.) Sent to some institution to be specified in the order, there to be detained or otherwise dealt with under this Act, until such child attains the age of eighteen years.

Order for detention.

**25.** Whenever a child is committed to the care of the Department, the order of committal shall be sufficient authority to any police officer or officer of the Department to take the child to such institution as the Secretary may direct, or in default of any such direction to such receiving depot as may be nearest or most convenient.

**26.** If any child is brought before the Court, charged by his parent or near relative with being an uncontrollable or incorrigible child the Court, upon being satisfied that the charge is well founded, may—

How uncontrollable child may be dealt with.

- (a.) Order the child to be sent to an institution to be there detained or otherwise dealt with under this Act until eighteen years of age ; or
- (b.) If a child is a male under the age of sixteen years, order him to be whipped ; or
- (c.) Release the child on probation, on such conditions, if any, as the Court may order, and in such case the child shall be subject to the supervision of the Department until he attains the age of eighteen years:

Provided that no order of committal of an uncontrollable child on the application of his parent or near relative shall be made unless—

- (a.) Such parent or relative proves that he has not by neglect lost control of the child; and
- (b.) Security is given to the satisfaction of the Court for the making of such payment as in the opinion of the Court the applicant is able to afford towards the maintenance of such child.

**27.** If any child is brought before the Court charged by an officer of the Department or a police officer with being an uncontrollable or incorrigible child, the Court upon being satisfied that the charge is well founded, may exercise the jurisdiction conferred upon it by the last preceding section in the same manner and to the same extent as if the charge had been made by the parent or near relative of the child.

Uncontrollable children may be charged by Department.

**28.** If any child is found guilty of any offence punishable by imprisonment, the Court in lieu of sentencing such child to imprisonment may—

How convicted children may be dealt with.

- (a.) Order such child to be sent to an industrial school and to be there detained or to be otherwise dealt with under this Act until eighteen years of age; or
- (b.) Order the parent to give security for the good behaviour of such child until the child attains the age of eighteen years, or during such shorter period as the Court may think sufficient, and upon being satisfied that such security has been given, may dismiss the charge ; or
- (c.) Adjourn the case on a near relative undertaking to punish the child in such reasonable or moderate manner as the Court may approve, and on being satisfied that such punishment has been duly inflicted may dismiss the charge ; or

(d.) Digitized by Google

(d.) Release the child on probation on such conditions, if any, as the court may order, and in such case the child shall be subject to the supervision of the Department until he attains the age of eighteen years:

Provided that no order for security shall be made against a parent under this section unless such parent has been summoned to attend before the Court and has had an opportunity of being heard.

When probationer may be arrested.

**29.** If any child released on probation pursuant to section twenty-six or twenty-eight fails to observe the conditions of his release, or if the Secretary shall not be satisfied with his conduct while on probation, the Secretary may without any warrant cause him to be arrested and brought before the Court, and the Court may exercise any of the powers specified in sections twenty-six or twenty-eight as the case may be.

Child over sixteen years of age at time of committal may be detained for two years.

**30.** If any child at the time of being committed to an institution is upwards of sixteen years of age, such child may be ordered to be detained in an institution, or otherwise dealt with under this Act, for the period of two years, notwithstanding that such period would extend beyond the time of such child attaining the age of eighteen years.

No detention after age of eighteen.

**31.** Except as in this Act otherwise provided, no State child shall be detained in any institution or be under the control of the Department after attaining the age of eighteen years.

Institution to which children to be sent.

**32.** (1.) Every child found guilty of an offence and committed to an institution shall be sent to an industrial school.

(2.) Destitute children and neglected children shall be sent to institutions other than industrial schools:

Provided that if any neglected or destitute child in the opinion of the Court under the special circumstances of the case ought to be sent to an industrial school, the Court may order such child to be committed to an industrial school accordingly:

Provided also that under special circumstances, and with the approval of the Minister, an inmate of any institution may be transferred for misconduct to an industrial school, and in like manner any inmate of an industrial school may, for good conduct, be transferred to any other institution.

Habitual truants.

**33.** (1.) Any order made by justices under section three of the Public Education Amendment Act, 1905, shall direct the child to be sent to an institution other than an industrial school.

(2.)

(2.) After a detention of not less than two months any child may be given a license to live out of the institution, but the license shall be conditional upon the child attending regularly some school named in the license being a Government school or efficient school :

Provided that such license may be revoked by direction of the Minister whenever the child ceases to attend at such school regularly, and it shall be the duty of the teacher in charge of the school named in the license to notify the Department weekly of the attendance of the child.

**34.** (1.) Every order of the Court committing a child to the care of the Department or to an institution shall be in the prescribed form setting forth the age and religion, so far as known, of such child, and the cause for which the child is to be detained. Form of order.

(2.) In the absence of evidence as to the age of any child, the Court may on view determine the age of such child, and shall insert in the order the age so determined.

**35.** The statement in any order that the child therein named is of a certain age and religion shall, for the purposes of this Act, be taken to be true, unless within six months from the date of the order the Secretary shall be satisfied to the contrary, and shall indorse on the order the correct age or religion. Statement of age and religion to be *prima facie* evidence.

**36.** A certificate indorsed upon or annexed to any order and signed by the Secretary or the superintendent or matron of any institution, stating that the child named in such order was duly received into such institution, and was at the signing thereof detained in an institution or had been otherwise dealt with under this Act, shall in all proceedings whatsoever be *prima facie* evidence of the facts stated in such certificate, and of the identity of the child therein named. Certificate of secretary, etc., indorsed on order to be *prima facie* evidence.

**37.** Any State child who absconds from any institution, or from his foster-parent, or who, whilst liable to detention, shall refuse or neglect at the end or determination of the term of his apprenticeship or placing out forthwith to return to the institution in which he was last detained, or to such other institution as the Secretary may order, may be apprehended without a warrant by any police officer, or by an officer of the Department, and conveyed to such institution as the Secretary may direct. State children absconding, etc., may be apprehended without warrant.

**38.** The Governor may, on the recommendation of the Minister, order the release of any State child from the control of the Department or from any institution, and upon production to the Secretary Governor may release State child.

or, in the case of an institution, to the superintendent or matron thereof, of such order, the child shall be forthwith released accordingly.

Removal of inmates from one institution to another.

**39.** Any inmate of an institution may, for any reason which appears to the Minister sufficient, and subject to the provisions of this Act, be removed to and detained in any other institution.

Governor may extend period of detention.

**40.** The Governor may order that the period of supervision or of detention of any female State child specified in any order shall be extended until such child shall attain the age of twenty-one years or for any shorter period, and such child shall be supervised or detained accordingly.

The Department or governing authority may apprentice children.

**41.** The Secretary or the governing authority of any institution, as the case may be, may, by indenture of apprenticeship, bind any State child apprentice to any suitable person, to be taught such trade or calling as the Secretary or such governing authority shall approve; and such binding shall be as effectual as if the child were of full age at the date of the indenture, and had voluntarily executed the same; but the period of any such apprenticeship shall not exceed five years, nor extend beyond the day of the child attaining the age of twenty-one years.

Secretary or governing authority may place out children.

**42.** The Secretary or the governing authority of any institution, as the case may be, may place out any State child to reside and board with any relative of such child, or with a suitable person approved by the Secretary or governing body, for such period, subject to this Act, as the Secretary or governing authority thinks fit; or may place out for such period as aforesaid any State child with any suitable person willing to receive such child for adoption or service, and who, in the opinion of the Secretary or governing authority, is able to provide for such child.

Nothing in this section shall authorise the placing out of any child for any time extending beyond the period of detention of such child.

State children to attend school regularly.

**43.** (1.) Every State child over the age of six years placed out shall be sent regularly to school until fourteen years old, or until he shall pass the compulsory standard required by the Public Education Act, 1899, or any Act amending the same or substituted therefor.

(2.) No State child shall be apprenticed or placed out for service under the age of fourteen years unless such child has passed such compulsory standard.

(3.) Any parent or foster-parent committing or permitting any breach of this section shall be guilty of an offence against this Act, unless for good cause shown he shall be specially exempted by the Minister.

**44.** The apprenticing or placing out of a State child by any governing authority shall be subject in all respects to the regulations made under this Act.

The apprenticing or placing out of children to be subject to regulations.

**45.** All indentures of apprenticeship and agreements for the placing out of State children under this Act shall be in the forms prescribed and shall contain provisions to the satisfaction of the Minister for the proper keeping, maintaining, clothing, and (where necessary) educating such child, and for the due payment of such wages as may be payable thereunder.

Provisions in indentures.

**46.** The Secretary or governing authority may in any indenture or agreement provide that all, or such portion as may be specified, of any wages to become due to the child shall be deposited in the Government Savings Bank in the name of such child, and every such payment shall be deemed to be a payment to such child:

Wages may be paid into Government Savings Bank.

Provided that no money deposited pursuant to this section shall be withdrawn without the consent of the Minister until the child attains the age of eighteen years.

**47.** (1.) All or any part of the money so deposited, and any interest thereon, may, with the consent of the Minister, be expended for the benefit of the child when and in such manner as the Secretary or governing authority may from time to time deem advisable.

Moneys banked may be expended for the child's benefit.

(2.) All moneys so deposited, and not expended as aforesaid, shall be payable to the child upon his attaining the age of eighteen years.

Provided that on the death of any such child any debt due to the Department in respect of such child shall be a first charge on moneys so deposited, and shall be payable to the Department on demand.

**48.** The wages or earnings due by any person to any State child, whether payable to such child or not, may be sued for and recovered by and in the name of the Secretary or of the governing authority, as the case may be, for the benefit of such child.

Secretary or governing authority may recover wages.

**49.** (1.) The foster-parent of any State child may, by an assignment bearing the consent of the Minister or the governing authority, as the case may be, but not otherwise, assign the indenture of apprenticeship or license respecting such child to any fit and proper person.

Indentures of apprenticeship and licenses may be assigned with consent of Minister.

(2.) Every such assignment shall be executed in duplicate by the assignor and assignee, and one part of the assignment so executed shall be forthwith forwarded to the Secretary or governing authority by the assignor, and thereafter the indenture or license shall, for the purposes of this Act, be read and construed as if the assignee had originally been party thereto in the place of the assignor.

(3.) Every foster parent who assigns any indenture of apprenticeship or license without such consent as aforesaid shall be guilty of an offence against this Act, and the assignment shall be null and void.

On death of foster-parent, widow, etc., may nominate new foster-parent.

**50.** (1.) On the death of the foster-parent of any State child, the widow, widower, executor, or administrator of such foster-parent may, at any time within three months after such death, apply, in writing, to the Secretary for an order directing such child to be bound or placed out for the residue of the term to some fit and proper person nominated in and consenting to such application.

(2.) The Secretary may make an order accordingly, and thereupon a new indenture or license shall be executed by the person so nominated for the unexpired term of the original indenture or license, and upon the like term and conditions, or upon such other terms and conditions, subject to this Act, as the secretary may deem advisable.

Indentures and licenses may be cancelled.

**51.** If the foster-parent of any State child shall become bankrupt or become unable to maintain and employ such child, or shall be about to remove from the State, the Secretary or governing authority, as the case may be, may, on application by or on behalf of the foster-parent or child, make an order releasing and discharging the foster-parent and the child, respectively, from the indenture of apprenticeship or agreement, and from every covenant and agreement therein contained or thereby implied; and, by the same or any other order, may direct the child to be placed in an institution to be therein named.

Change of residence to be notified by foster-parent.

**52.** No foster parent shall change his place of residence without in every case giving to the Secretary or the governing authority such notice as may be prescribed.

Notice to be given if child absconds, becomes ill, or dies.

**53.** If a State child apprenticed or placed out absconds, becomes ill, meets with an accident, or dies, the foster-parent of such child shall immediately give such notice and do all such further acts and things in every such case as may be prescribed.

Penalty for ill-treating State child apprenticed, etc.

**54.** Every foster-parent who illtreats, injures, or neglects any State child placed out with or apprenticed to him shall be liable to a penalty of not exceeding twenty pounds, or to imprisonment

ment with or without hard labour for any term not exceeding six months, and the Court may discharge the child from the apprenticeship or license, and order him to be sent to an institution.

**55.** The Department shall have general supervision over all State children detained in any institution or placed out for adoption or otherwise, or apprenticed by the governing authority of any institution.

Department to have general supervision of State children.

**56.** (1.) The Secretary shall cause all State children apprenticed or placed out to be visited once at least in every six months by an officer of the Department, or person appointed for that purpose by the Secretary, to ascertain whether the stipulations of the indentures of apprenticeship respecting such children have been fulfilled, and that the treatment, education, and care of such children are satisfactory.

Apprenticed and placed-out children to be visited.

(2.) The governing authority of any institution or any person authorised by such governing authority may for the like purpose visit any State child apprenticed or boarded out by such governing authority.

(3.) Every foster-parent shall, at the request of any such officer, governing authority, or person, personally produce the child apprenticed or placed out to or with him, or show cause to the satisfaction of the officer, governing authority, or person, for the non-production or absence of such child.

**57.** The Minister may pay to the governing authority of any subsidised institution, for the maintenance therein of any State child, such sum and for such periods as may be prescribed.

Minister may pay for maintenance of child.

**58.** The Minister may pay to the foster-parent or foster-mother of any State child for the care and maintenance of such child, until he shall attain the age of fourteen years, such sum as may be prescribed.

Payments for maintenance of State children to foster-parents.

#### PART V.—MAINTENANCE OF CHILDREN BY THEIR RELATIVES.

**59.** The near relatives of any State child shall be liable to pay or contribute towards the maintenance of such child according to their several abilities, and in the following order, namely—

Order of liability of near relatives for maintenance of any child.

- (a.) In the case of a legitimate child—Father, mother, step-father, stepmother, brothers and sisters, grandparents;
- (b.) In the case of an illegitimate child—Father, mother's husband, mother.

**60.** (1.) Upon complaint that any persons are near relatives of any State child, and are able to pay or contribute towards the maintenance or past maintenance of such child, such persons or any of them may be summoned to appear before the Court at a time

On complaint Court to issue summons.



and place to be named in such summons, to show cause why they or he should not pay for or contribute towards the past or future maintenance of such child.

(2.) All complaints under this Part of this Act, except where otherwise expressly provided, shall be made by or on behalf of the Secretary.

Court may order payment of maintenance.

**61.** (1.) At the time and place appointed for the hearing of such complaint the Court may adjourn the hearing, and may summon any other persons alleged to be near relatives to appear at the adjourned hearing; and may, at the original or any adjourned hearing, if the Court is satisfied that the persons so summoned, or any of them, are near relatives of the child, and are able to pay for or contribute towards the past or future maintenance of such child, order payment to be made by such near relatives, or some one or more of them to the Department, or to the governing authority, as the Court may think fit—

(a.) Of such sum for past maintenance of the child as may seem sufficient; and

(b.) Of such sum for future maintenance, and for such period as may seem sufficient, but not being more than twelve shillings and sixpence per week.

(2.) If an order is made against two or more near relatives, one order may be made against all of them, or separate orders may be made against each or any of them jointly or severally, as to the Court may seem fit, so that such persons shall not be liable to pay more than twelve shillings and sixpence a week in the aggregate in respect of any one child.

(3.) No order shall be made for payment in advance for future maintenance, otherwise than by periodical instalments not exceeding four weeks in advance, without the consent of the Minister.

Order to take effect from pronouncement.

**62.** Every maintenance order shall be served upon the persons against whom the same is made personally, or in such manner and at such place as may be prescribed, or as the Court shall direct; but the order shall take effect from the time of its pronouncement, notwithstanding that the formal order may not have been signed or served.

Allegations in complaint *prima facie* evidence.

**63.** Upon the hearing of any complaint in respect of the maintenance of a legitimate child, the allegations in the complaint that the person complained against is a near relative liable to maintain, and is of sufficient means to maintain the child, and that any sum has been expended upon, or is due, or owing for, or in respect of the maintenance of the child, shall be received as *prima facie* proof of such allegations respectively; and the onus of proving that such person is not a near relative, as stated in the complaint, or is not of sufficient means to maintain such child, or that some other person

is prior in order of liability, or that the sum stated in the complaint to be expended, or due, or owing is not due, or owing, or was not expended, shall lie upon the defendant.

**64.** Upon the hearing of a complaint against any person in respect of the maintenance of an illegitimate child, of which the defendant is alleged to be the father, no order under this section shall be made—

Court may adjudge person to be father of illegitimate child.

- (a.) upon the evidence of the mother, unless her evidence is corroborated in some material particular; or
- (b.) if the Court is satisfied that at the time the child was begotten the mother was a common prostitute.

**65.** (1.) An order for confinement expenses may be made on complaint therefor, or such order may be made therefor without any complaint in any proceedings against the father for the maintenance of the child, and such order may be made separately or included in any other order against the father.

Confinement expenses.

(2.) Proceedings may be had against the father of an illegitimate child for maintenance or for the confinement expenses either before or after the birth of the child.

(3.) Every order for confinement expenses or for maintenance made before the birth of a child, shall direct that payment shall be made to the Department, and such moneys shall be retained until the birth of the child, when the same shall be applied towards confinement expenses and maintenance.

(4.) The words "Confinement expenses" mean and include reasonable medical and nursing expenses attendant upon the confinement of the mother and the cost of clothing necessary for the child for two months after its birth.

**66.** (1.) Upon complaint made under section sixty of this Act, notice may be given by the Secretary to any banker or other person having, or supposed to have, the care, custody, or control of any money or property of, or belonging or payable to, any person complained against, not to pay or part with the possession of such money or property until such complaint has been heard and determined, and such money and property shall thereby become and be attached in the hands of the person having the care, custody, or control thereof, who shall be compellable to give evidence on the hearing of such complaint as to all matters relating to or concerning such money or property.

Attachment of property of persons against whom order is sought.

(2.) Any person who, after receipt of any such notice, pays or hands over any such money or property otherwise than in accordance with the order made by the Court, or who neglects or refuses to comply with the order made, shall be personally liable to

pay

pay to the Department the amount of money or the value of the property ordered to be paid or handed over, and such amount or value may be recovered before the Court in a summary way.

Court may make orders for delivery, etc., of attached property.

**67.** The Court hearing any such complaint may direct that the money or property attached, or any portion thereof, shall be paid or handed over to the Department or to the person to whom the maintenance money is ordered to be paid, and the person having the care, custody, or control thereof shall pay or hand over the same accordingly, and shall be thereby discharged from all liability to the owner thereof, or any person claiming under him in respect of the money or property so paid or handed over.

Court may require security for compliance with order.

**68.** The Court on complaint being made that any person liable upon any maintenance order has made default thereunder, or intends to evade compliance therewith, may, by a subsequent order, require the person liable for the maintenance to find good and sufficient security that he will comply with the order made against him, and the Court may, in default of such security being found, commit such person to prison for any period not exceeding six months, if the order for security is not sooner complied with:

Provided that it shall be lawful for the Court to determine upon the sufficiency of any proposed security, and in what manner the security shall be given.

Power to increase amount.

**69.** The amount of the weekly payments payable under any order may, by any subsequent orders from time to time made by the Court, be increased to any amount not exceeding the maximum if the near relatives are able to pay such greater amount.

Orders may be varied, etc., on further inquiry

**70** (1.) On the complaint of a near relative liable upon a maintenance order, all or any of the persons alleged in the complaint to be near relatives of the child named in the order may be summoned to appear before the Court at a time and place to be named in the summons.

(2.) At the time and place so appointed, or at any adjourned hearing, the Court may make further inquiry as to the means and ability of the complainant, and as to the relationship to such child of the persons summoned, and as to their several abilities to maintain or contribute to the maintenance of such child, and may make such order increasing, reducing, or varying the periodical sum to be thenceforth paid by the complainant, or suspending for a specified time or annulling the previous order, or directing that the persons so summoned, or some or one of them, shall thenceforth pay for or contribute towards the maintenance of the child, or may make such other order not inconsistent with the provisions of this Act as shall appear just.

**71.** Subject to the provisions of a maintenance order, any officer of the Department, and any police officer when so directed by the Commissioner of Police, may demand, collect, and receive from any person liable to pay the same all sums of money due to the Department under any maintenance order, and the receipt in writing of any such officer for moneys paid to him shall be a sufficient discharge therefor.

Collection by the police of moneys due to the Department.

**72.** (1.) If any person against whom a maintenance order has been made is the registered proprietor of any land, or of any estate, or interest in land subject to the Transfer of Land Act, 1893, or the Land Act, 1898, the Secretary may lodge with the Registrar of Titles or the Under Secretary for Lands, as the case may be, a caveat against any dealings with such land, estate, or interest.

Caveats.

(2.) Particulars of the order shall be set out in the caveat, and the Registrar of Titles or the Under Secretary for Lands, as the case may be, shall forthwith register such caveat, and it shall not be lawful for the Registrar of Titles or the Under Secretary for Lands, without the consent of the Secretary, to remove or discharge such caveat unless and until he is satisfied that all moneys due under such order have been paid and satisfied, or unless he is ordered by the Supreme Court or a Judge thereof to remove such caveat.

**73.** If any money payable under a maintenance order is in arrear for one month, the Court may issue a warrant authorising the Department, or some person named in such warrant, to receive the whole or so much of the rents, profits, and income of the real and personal estate of the person against whom such order was made, or to sell the estate and interest of such person in such real and personal estate or any part thereof.

Warrants may be granted to enforce payment under orders.

**74.** Every such warrant may be registered in the same manner as a writ of *fieri facias*, and shall, from the time of registration, bind the estate or interest of the person liable under the order for maintenance in his real estate and chattel real property.

Warrant when registered to bind land.

**75.** Any sale under such warrant may be by public auction or private contract, and subject to such special or other conditions as the Department shall deem expedient.

Sale may be by auction or private contract.

**76.** The Department or person authorised by the warrant to sell may execute to the purchaser all such conveyances, assignments, transfers or other assurances of the property sold as the person against whom the order was made might have executed but for this Act, and the property so conveyed, transferred or otherwise assured shall vest in the purchaser accordingly; and the Registrar of Deeds, the Registrar of Titles, or the Under Secretary for Lands,

Authority to sell includes power to execute assurances to purchaser.

as the case may be, shall forthwith register a memorial of every such conveyance, and every such transfer, and cause all certificates of title to be issued or cancelled, and entries to be made and acts to be done as may be necessary for giving effect to the sale.

Warrant may be issued without previous demand.

**77.** (1.) No notice or demand whatsoever shall be requisite before issuing any such warrant as is mentioned in section seventy-three or before exercising all or any of the powers thereby conferred.

(2.) The warrant shall, so far as regards any purchase or person dealing with the Department, or person authorised by such warrant, be conclusive evidence that the power to sell is vested in the Department or person therein named.

Payment under warrant to discharge persons paying.

**78.** The payment to the Department or person named in any such warrant shall be a good discharge to any purchaser or other person for all moneys paid by him pursuant to such warrant.

Application of moneys received under warrant.

**79.** The rents, profits, and income, and the proceeds of any sale received under any such warrant, shall be applied first in payment of the costs of collection or sale; next, in payment of the costs of obtaining such warrant; thirdly, in paying any money due under the original order; and the balance shall be applied in or towards future maintenance, or in such other manner as the Court may direct.

#### PART VI.—COMMITTAL TO THE CARE OF PRIVATE PERSONS OR SOCIETIES.

Governor may approve of private persons or societies having care of children.

**80.** (1.) Any private person, and any society formed by private persons, desirous of taking charge of, protecting, or assisting any destitute or neglected child or children, without subsidy or aid from the Consolidated Revenue Fund, may from time to time be approved by the Governor as a person or society to whose care destitute or neglected children may be committed under the provisions of this Act, and the Governor may revoke any such order.

(2.) Every order approving of any such society, and every such revocation of any such order, shall be published in the "Government Gazette."

Manager of societies to be approved by Governor.

**81.** Every order approving any society as a society to the care of which destitute or neglected children may be committed shall name some person as the manager of such society, and when from time to time the manager of any such society is changed the name of every new manager shall be submitted to the Governor for his approval, and the order approving of such manager shall be published in the "Government Gazette," and any copy of the "Government

ment Gazette" purporting to contain any such order shall be conclusive evidence that the person named therein on that behalf is the manager of any such society.

**82.** Where under this Act the Court is empowered to commit any child to the care of the Department, the Court may commit such child to the care of any person or society for the time being approved by the Governor as a person or society to whose care destitute or neglected children may be committed, upon such person or society consenting in writing to accept the care of such child.

Power of Court to commit to such person or society.

**83.** Whenever any child is committed to the care of any person or society, such person or the manager of such society shall become the guardian of the person of such child to the exclusion of the father and every other guardian until such child attains the age of eighteen years or in the case of females such greater age not exceeding twenty-one years as the Governor may direct, unless such child is sooner discharged, and such person shall have the sole right to the custody of such child, and such manager shall have the sole right to the custody of such child as on behalf of such society, subject in both cases to the provisions of this Act and to the regulations.

The person or manager of society to whose care child committed to become guardian.

**84.** Upon the publication of any order of the Governor hereunder in the "Government Gazette" approving of any person as the manager of any such society in the place of any other person, the manager so approved shall become the guardian of the person of every child of whose person the manager in whose place he is so approved was the guardian under the provisions of this Part of this Act in the place of the manager in whose place he is so approved.

New managers to succeed to guardianship.

**85.** The Court shall not commit any child to the care of any such person or society if the father or other person having the right to direct in what religion such child shall be educated objects, or so that such child may be educated in a religion different from that in which it would be the duty of any guardian of such child appointed by the Supreme Court to direct such child to be educated.

Child not to be committed contrary to objection of father on ground of religion.

**86.** The father of any child, or the mother of any child being the guardian of such child, may, by writing signed before a special magistrate, commit the care of such child to any person or society approved by the Governor as a person or society to whose care destitute or neglected children may be committed, and such person or society by writing under his hand or the hand of its manager (as the case may be) may consent to accept the care of such child, and thereupon such person or the manager of such society on be-

Committal by parent.

half of such society shall become the guardian of the person of such child during its minority, to the exclusion of such father or mother and every other guardian.

Children may be visited.

**87.** Every person or society to whose care any child is committed under this Part of this Act, whether by the Court or by the father or mother of such child, and every person intrusted with the care of any such child by any such person or society shall from time to time permit such child to be visited and any place where such child may be or reside to be inspected by the Secretary or any officer of the Department.

Transmission of guardianship upon death or revocation of order.

**88.** (1.) Upon the death of any person having the care of any child by virtue of any order made under this Part of this Act, or upon the revocation of the order approving of any such person or of any society, the Governor may appoint some other person or society approved as aforesaid in place of the person so dying or the person or society the order approving of whom or which is revoked, and thereupon the same consequences shall ensue as upon an order of the Court made under the provisions of this Part of this Act committing the care of every child of whom such person or society was guardian by virtue of any order made under this part of this Act to the care of the person or society so appointed; and in the meantime, unless and until such other person or society is so appointed, the same consequences shall ensue as if upon the date of such death, or of the revocation of such order, an order had been made committing every child to the care of the Department.

(2.) A person or society may be appointed in the place of a person or society the order approving of whom or which is revoked by the order by which the revocation is made or by any subsequent order.

(3.) The order appointing a society in the place of another society shall be published in the "Government Gazette."

Guardianship to cease on revocation of order.

**89.** Upon the revocation of any order approving of any person or society as a person or society to whose care neglected children may be committed, such person or the manager of such society shall cease to be guardian of any child under the provisions of this Part of this Act, whether such child is under the care of such person or society by virtue of any order made under this Part of this Act, or of any writing signed as aforesaid by the father or mother of such child.

Form of order.

**90.** Every order committing a child to the care of any approved person or society hereunder may be in such form as may be prescribed by the regulations or to the like effect, and such order, or an office copy thereof, without any warrant, shall be a sufficient authority for any police officer to take such child to such person or society.

**91.**

**91.** No warrant shall be necessary to authorise the detention of any child in the care of any approved person or society, but if the right to the custody of such child is called in question by habeas corpus or otherwise, it shall be sufficient to give in evidence the order committing such child to the care of such person or society, and to show that such child is detained by the authority of such person or society, or the manager of such society.

Order of commitment sufficient warrant for detention.

**92.** If any person or society having the care of any child by virtue of any order made under this Part of this Act, or the manager of any such society, desires for any cause sufficient in the opinion of the Court to be relieved of the care of such child, the Court may order such child to be committed to the care of the Department.

Power to transfer child to care of Department.

**93.** No person who, whether as manager of any society or otherwise, is guardian of the person of any child by virtue of any order under this Part of this Act, shall remove such child or suffer such child to be removed out of Western Australia without the consent of the Minister being first obtained.

Child not to be removed out of Western Australia.

#### PART VII.—LICENSING OF CHILDREN.

**94.** (1.) A written license authorising a child of or over the age of ten years to engage, within prescribed hours and subject to the regulations, in a specified description of street trading may be issued by the Department.

Issue of licenses.

(2.) Such license shall be delivered to the child, who shall produce such license, on demand, to any inspector.

(3.) Such license shall not be issued unless it is shown that the moral or material welfare of the child will not suffer by such trading.

(4.) Every license shall be granted for a term not exceeding six months, but may be renewed from time to time, and may at any time be cancelled by the Department.

(5.) No charge shall be made for any license or badge.

Any child engaged in street trading without a license or in contravention of the conditions on which the same is granted shall be guilty of an offence against this Act.

**95.** If any person employs, in street trading, a child—

(a.) who is not duly licensed under this Act; or

(b.) who, although so licensed, is employed by him in trading of a description or at any time not authorised by the license,

Penalty for employing child in contravention of Act.

such person shall be guilty of an offence against this Act.

PART



## PART VIII.—LYING-IN HOMES AND FOSTER-MOTHERS.

Power to assist women in lying-in homes.

**96.** The Minister may, under special circumstances, and subject to the regulations, contribute towards the support of any woman in a lying-in home for a period not exceeding twelve months after her confinement, or partly before and partly after her confinement, and on such terms and conditions as may be prescribed, and may maintain Government homes for the same purpose.

Lying-in homes kept for gain to be licensed.

**97.** No person shall, for gain or reward, keep any building, structure, or apartment as a lying-in home unless such premises are licensed by the Department for that purpose.

Department may license lying-in homes.

**98.** The Department may, on payment of the prescribed fee, grant and revoke annual licenses in respect of any buildings, structures, or apartments kept or used, or intended to be kept or used, as a lying-in home.

Penalty on keeping unlicensed lying-in homes.

**99.** (1.) Every person who shall, for reward or gain, keep any building, structure, or apartment as a lying-in home, unless such building, structure, or apartment is licensed for that purpose, shall be guilty of an offence against this Act, and shall on conviction be liable to a penalty not exceeding twenty pounds for the first offence, and for any second offence shall be liable to be imprisoned with or without hard labour for any period not exceeding six months.

(2.) Proof that any building, structure, or apartment was let, hired, or engaged by any person for the accommodation of a female during her confinement or lying-in, shall be prima facie evidence that such building, structure, or apartment is kept as a lying-in home within the meaning of this section.

Foster-mothers to be licensed.

**100.** No person other than a near relative shall be or act as foster-mother, for gain or reward, to any child under the age of three years without being licensed by the Department for that purpose.

Department may license foster-mothers.

**101.** (1.) The Department may, on payment of the prescribed fee, grant annual licenses to fit and proper persons to be foster-mothers to children under the age of three years, and may by any such license fix the number of children authorised to be kept by the foster-mother therein named.

(2.) The Department may, in its discretion, revoke any licenses granted under this section.

Penalty on unlicensed foster-mothers.

**102.** (1.) Every person other than a near relative of the child, who, not being licensed as a foster-mother by the Department, shall take the care, charge, or custody of any child under the age of three years to maintain for gain or reward such child apart from

his parent, shall be guilty of an offence against this Act, and shall, on conviction, be liable to a penalty not exceeding ten pounds, or in case of a second or subsequent offence to a penalty not exceeding twenty pounds or to imprisonment with or without hard labour for not exceeding three months.

(2.) No information shall be laid for any such offence under this section except by the Secretary or an officer of the Department or other person authorised by the Secretary.

**103.** Any person who shall act as foster-mother to any greater number of children than shall be fixed in the license shall be guilty of an offence against this Act.

Penalty on licensed foster-mother taking charge of more children than allowed by license.

**104.** (1.) Every lying-in home, and the home or place of residence of every licensed foster-mother, shall, at all times, be open to inspection by the Secretary or any officer of the Department.

Lying-in homes to be open for inspection.

(2.) Every person who resists or obstructs any such inspection shall be guilty of an offence against this Act.

Penalty for obstructing inspection.

**105.** Every licensee of a lying-in home shall keep a register in the prescribed form containing the names, usual residences, and the dates of confinement of all women confined in such home, and giving particulars of the disposal of all children born there, and also stating the name of the medical practitioner by whom such women were attended during their confinement, and shall produce to and allow the Secretary or any officer or other person appointed by him to inspect the same at any time when demanded.

Register to be kept by licensee of lying-in home.

**106.** (1.) Every licensed foster-mother shall keep a register in the prescribed form containing in respect of every State child received by her the prescribed particulars, and in respect of every other child received by her the following particulars, so far as such particulars are capable of being ascertained by her, that is to say:—

Register to be kept by foster-mother.

- (a.) The name, age, religion, and place of birth of the child;
- (b.) The names, addresses, and description of the parents;
- (c.) The name, address, and description of any persons other than the parents from or to whom the child was received or delivered over;
- (d.) The dates of receipt and delivery over;
- (e.) Particulars of any accident to or illness of the child, and the name of the medical practitioner (if any) by whom attended.

(2.) Such register shall at all times be open to inspection by the Department or any officer thereof, and the foster-mother shall every three months forward a copy thereof to the Department.

Provided such register shall at all times be open to an accredited officer of the Department and at such other times to such persons as the Minister may direct.

Returns and records.

**107.** Every licensee of a lying-in home, and every licensed foster-mother, shall keep all such books and records, and furnish to the Department true and correct returns of all such matters and things as may be prescribed.

#### PART IX.—PROCEDURE, PENALTIES, AND GENERAL PROVISIONS.

Officer of Department may take part in all trials against children.

**108.** At the hearing of any complaint against any child, the Secretary or some officer of the Department may be present, and examine and cross-examine witnesses, and be heard touching the acquittal or punishment of the child.

Officer of Department may conduct cases where complaint made.

**109.** (1.) All cases under this Act heard on complaint by or on behalf of the Department may be conducted by any person appointed by the Minister in that behalf.

(2.) The production of an appointment, in writing, signed by the Minister, shall be prima facie evidence that the person therein named has been duly appointed and authorised to lay such complaint and to conduct the case.

Order may be set aside.

**110.** If an order is made under this Act in respect of a child in the absence of his parent or guardian, to whom reasonable notice of the complaint had not been given, such order may for good cause shown be set aside by the Court by which it was made upon the application of such parent or guardian within three months after the making of the order.

Returns of complaints and convictions.

**111.** The governing authority of every institution shall forthwith report to the Department all convictions against, and consequent punishments inflicted upon, any inmate of such institution, and the Secretary shall cause a return to be made annually, to the Minister of all convictions against and consequent punishments inflicted upon State children.

Penalty for taking, removing, harbouring, etc., State children.

**112.** Any person who—

- (a.) without the authority of the Minister, takes or removes any State child from any institution before the expiration of the period of detention of such child, or from its foster mother, or from the foster parent to or with whom such child is apprenticed or placed out before the expiration of the term of apprenticeship or placing out; or
- (b.) directly or indirectly counsels or induces any State child to abscond or escape from any institution, or to break his apprenticeship indentures, or to abscond from

from his foster-parent, before such child had been regularly discharged, or before the expiration of such apprenticeship or placing out ; or

- (c.) aids or abets any State child in so absconding or escaping, or who prevents any State child from returning to any institution or to his foster-parent, or who, knowing any State child to have been so taken or removed, or to have so absconded or escaped, harbours or conceals, or assists in harbouring or concealing, such child; or
- (d.) without the authority of the Minister, takes or removes any child from the care of any person to whom or society to which such child is committed under Part VI. of this Act,

shall be guilty of an offence against this Act and liable to a penalty of not exceeding twenty pounds, or may, at the discretion of the Court, be imprisoned with or without hard labour for not exceeding three months.

**113.** Any person who—

- (a.) without the authority or permission of the Secretary, or of the governing authority of an institution, as the case may be, holds or attempts to hold any communication with any inmate ; or
- (b.) enters any institution or any premises belonging thereto or used in connection therewith, and does not depart therefrom when required so to do by the superintendent, matron, or any officer or servant of such institution ; or
- (c.) after being forbidden by the Secretary or governing authority, as the case may be, so to do, holds or attempts to hold any communication directly or indirectly with any State child,

Penalty for communicating with children in institutions.

shall be guilty of an offence against this Act.

**114.** Any officer or servant of the Department or of the governing authority of an institution, who negligently or knowingly permits any inmate to escape from any institution, shall be guilty of an offence, and liable, on conviction, to a penalty not exceeding twenty pounds, or may, at the discretion of the Court, be imprisoned with or without hard labour for not exceeding three months.

Penalty for permitting escape.

**115.** Every person who refuses, fails, or neglects to comply with any maintenance order made against him under this Act, or attempts to leave the State without making arrangements for future payments

Penalty for person disobeying order and quitting the State.

Digitized by Google

payments to the satisfaction of the Department, shall be guilty of an offence and liable, on conviction, to imprisonment, with or without hard labour, for any term not exceeding twelve months.

Penalty for desertion of child under certain circumstances.

**116.** Every near relative liable to maintain any child, who—

(a.) unlawfully deserts such child; or

(b.) leaves without, or fails to provide with, adequate means of support any such child,

shall be guilty of an offence and liable, on conviction, to imprisonment with or without hard labour for any term not exceeding twelve months.

Court may issue warrant for arrest of deserter upon complaint on oath.

**117.** Upon complaint on oath by the Secretary, or any other officer of the Department, that he has reasonable grounds for believing that any person has committed or is about to commit an offence within the meaning of the two last preceding sections of this Act, any Justice, if satisfied that there are reasonable grounds for believing that such offence has been or is about to be committed, may issue a warrant for the apprehension of the person complained against, and such person may thereupon be apprehended by any police officer accordingly.

Court may determine matter in summary way.

**118.** (1.) Upon the hearing of a complaint under Section one hundred and fifteen or one hundred and sixteen of this Act, the Court may determine the matter in a summary way, and, if satisfied that the child has been or is about to be unlawfully deserted by the person complained against, or is actually without adequate means of support, and that such person is a near relative of such child, liable and able to contribute towards his maintenance, may order such person, either immediately or at some adjournment, to find good and sufficient security to the satisfaction of the Court that he will comply with such order for maintenance, or that he will not desert or leave without adequate means of support such child.

(2.) The Court, in default of such security being found, may commit such person to prison for any period not exceeding six months, if such order is not sooner complied with.

Children employed in a circus.

**119.** Any child under the age of fourteen years who is employed or engaged in any circus, or acrobatic entertainment, or exhibition by which his life, health, or safety is likely to be lost, prejudiced, or endangered, shall be deemed a "neglected child" for all the purposes of this Act; and any person so employing or engaging any such child shall be guilty of an offence against this Act.

**120.** Any State child, or child committed to the care of any person or Society under Part VI., and its attendant, shall travel free on Government railways on production of a certificate from the Secretary that such child is travelling to or from an institution, place of residence, or foster parent; and any child apprenticed or placed out under this Act shall travel free on Government railways to and from a public or efficient school.

Certain children to travel free on Government Railways.

**121.** All property, real or personal, given, devised, or bequeathed to the Department for the benefit of State children shall, subject to the provisions of this Act, be held, invested, applied, or dealt with in such a manner as the Governor may consider most conducive to the benefit or advantage of State children, or of the particular State child or children intended to be benefited.

Gifts to Minister to be applied for benefit of objects of such gifts.

**122.** The Court may, at any time, in a summary way, inquire into any disobedience of, or neglect to comply with, any order made under the provisions of this Act, and for that purpose may summon and examine all proper parties and witnesses; and, in order to enforce compliance or punish the non-compliance with such order, may commit to prison, with or without hard labour, for a period of not exceeding six months, unless the order shall be sooner complied with, the person found guilty of such disobedience, neglect, or non-compliance, or may impose upon such person a fine of not exceeding fifty pounds.

Justices may enforce compliance with orders by fine or imprisonment.

**123.** Upon a complaint to the Court, made under the last preceding section, in respect of any alleged disobedience of or neglect to comply with any order, the Court may, instead of issuing a summons, issue a warrant for the apprehension of the person against whom the complaint is made, and for the detention of such person until the hearing of the complaint, unless such person shall enter into a recognizance, with one or more sureties, in such sum as the Court shall direct, conditioned for his appearance at the hearing of the complaint.

Warrant in first instance.

**124.** (1.) Where, pursuant to the provisions of this Act, the punishment of whipping is awarded by the Court, the order for such punishment shall specify the number of strokes to be inflicted, and the number of strokes shall not exceed twelve.

Whipping.

(2.) The whipping shall be administered by some person authorised by the order directing the whipping, and in all cases the instrument used shall be a birch rod or cane.

**125.** Every person authorised to take charge of any child ordered to be detained under this Act, for the purpose of conveying such child to or from any institution, or to a foster-parent, shall,

Persons in charge of State children to have privilege of constables.

while

while engaged in such duty, have all such powers, authorities, protection, and privileges for the purpose of the execution of his duty as any police officer has by common law or statute.

General penalty.

**126.** (1.) Any person who in any particular makes default in compliance with any provision of this Act shall be guilty of an offence against this Act.

(2.) Any person guilty of an offence against this Act shall, except as otherwise expressly provided, be liable, on conviction, to a penalty not exceeding ten pounds.

Application of  
Justices' Act, 1902.

**127.** Every proceeding under this Act for omissions, defaults, acts, or offences to which any penalty is attached, and all applications for orders where no other method of proceeding is by this Act provided, shall be had and taken, and may be heard and determined in a summary way under the provisions of the Justices Act, 1902.

Forms of proceedings.

**128.** Every complaint, conviction, order, or warrant under this Act shall be deemed valid and sufficient if the same shall be in any of the prescribed forms which may be applicable, with such modifications as the circumstances may require; or in which the offence, or act, or default is set forth in the words of this Act; and no conviction, order, or warrant shall be held void by reason of any defect therein.

Order to be a  
defence to actions.

**129.** In every action for anything done in obedience to any order it shall be sufficient for the defendant to justify under such order only, without setting forth the previous proceedings, and the production of the order or a duplicate or certified copy thereof shall be sufficient evidence to prove the fact of making such order.

Protection to  
Department and  
officers.

**130.** No action shall be brought against the Department or any governing authority of an institution or any person for anything done in pursuance of this Act, unless such action be commenced within six months next after the act or default complained of, nor unless notice in writing of such action, and the cause thereof, has been given to the defendant one month at least before the commencement of the action; and the defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and the plaintiff shall not recover in such action if tender of sufficient amends shall be made before action brought, or if, after action brought, the defendant shall pay into Court sufficient amends; but in such last-mentioned case the plaintiff shall recover his cost of suit up to the time of the payment into Court.

**131.** All moneys received for penalties imposed for offences against this Act shall be paid to the Colonial Treasurer, on behalf of His Majesty, for the public uses of the State. Appropriation of penalties.

**132.** The Governor may, from time to time, make, repeal, alter, and vary all such regulations as may appear necessary or advisable for regulating— Regulations.

- (a.) The duties, powers, authorities, and privileges of inspectors, visitors, boarding-out committees, and all other persons employed in the administration of this Act ;
- (b.) The management, control, and supervision of institutions and lying-in homes;
- (c.) The custody, maintenance, education, employment, apprenticing, and placing out of State children;
- (d.) The visitation of State children at institutions, or apprenticed, or placed out;
- (e.) The punishment of State children;
- (f.) Wages and rewards to State children;
- (g.) The management and control of property vested in the Department;
- (h.) Records to be kept at institutions and by licensees;
- (i.) The accounts to be kept and reports to be made by subsidised institutions.
- (j.) The form and contents of agreements, appointments, apprenticeship articles, authorities, complaints, licenses, notices, orders, summonses, and all other instruments and documents, and the mode of executing, serving, or delivering the same;
- (k.) The fees to be paid;
- (l.) The imposing of penalties ;
- (m.) The time and manner in which any act, deed, matter, or thing required by this Act to be done, and as to which the time or procedure is not provided, is to be done or performed;
- (n.) All other matters and things arising under and consistent with this Act not herein expressly provided for, and otherwise for fully and effectually carrying out and giving force and effect to the objects, purposes, powers, and authorities of this Act.



Regulations to be  
laid before Parlia-  
ment and gazetted.

**133.** All such regulations shall be published in the *Government Gazette*, and shall take effect from the date of publication, or from a later date to be specified in such regulations, and shall be laid before both Houses of Parliament within thirty days, if Parliament is in session, and if not then within thirty days after the commencement of the next session.

## Section 3.

**FIRST SCHEDULE.**

Date.	Short Title.	Extent of Repeal.
33 Vict., No. 11 ...	The Industrial Schools Act, 1874. ...	The whole.
41 Vict., No. 7 ...	The Industrial Schools Act, 1874, Amend- ment Act, 1877	The whole.
46 Vict., No. 20 ...	The Industrial Schools Act Amendment Act, 1882	The whole.
56 Vict., No. 5 ...	The Industrial and Reformatory Schools Act of 1893	The whole.
62 Vict., No. 24 ...	The Health Act, 1898 ... ..	Part VII.

## Section 15.

**SECOND SCHEDULE.**

The St. Joseph's Roman Catholic Orphanage, Subiaco; the Church of England Girls' Orphanage, Adelaide Terrace, Perth; the Swan Boys' Orphanage, near Midland Junction; the Clontarf Roman Catholic Orphanage, near Victoria Park; the St. Kevin's Roman Catholic Industrial School, near Leederville; the Red Hill Industrial School, near Midland Junction; the Salvation Army Industrial Schools for Boys and Girls, near Collie.

# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XXXII.

\*\*\*\*\*

No. 32 of 1907.

AN ACT to authorise the Construction of a  
Railway from Newcastle to Bolgart.

[Assented to 20th December, 1907.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Newcastle-Bolgart Railway Act*, 1907. Short title.

2. It shall be lawful to construct and maintain a railway from Newcastle to Bolgart, with all necessary, proper, and usual works and conveniences in connection therewith, along the line described in the Schedule to this Act: Provided that no compensation shall be paid to any owner or occupier of land, except townsite land, within a radius of two miles from the starting point taken by the Governor for the purpose of constructing the railway, and no compensation shall be paid for severance. Compensation shall be paid for any buildings or orchards that may be existing on such lands. Authority to construct.

3. Notwithstanding anything contained in the Public Works Act, 1902, it shall be lawful for the Minister for Works to deviate from the line as described in such Schedule to the extent of five miles on either side thereof. Deviation.

Power to Governor to compulsorily purchase land within 12 miles of railway.

4. At any time after the passing of this Act, and until the expiration of twelve months from the publication of notice in the *Government Gazette* declaring the railway open for traffic, the Governor may, with the object of encouraging the cultivation and settlement of the land, compulsorily purchase any land in parcels of not less than one thousand acres, each parcel being the property of one person or two or more persons jointly or in common, and situated within twelve miles on either side of the line of railway, and which land is certified by the Minister for Lands as suitable for closer agricultural settlement: Provided that no land shall be compulsorily purchased until the Land Purchase Board has favourably reported thereon.

Purchase money to be determined under Public Works Act, 1902.

5. On the determination by the Governor from time to time to exercise the power conferred by the last preceding section, any land within such defined limits may be taken under the Public Works Act, 1902, and the provisions of that Act shall apply, and the amount of the purchase money shall be determined as compensation is determined under that Act:

But no regard shall be had to any increased value occasioned by the railway, and the purchase money shall be assessed at the probable and reasonable price which the land, with any improvements thereon, or the estate or interest of the claimant therein, might have been expected to realise if offered for sale at the date the land was taken, and if the railway had not been constructed or authorised.

Governor may require surrender, etc., to be made.

6. Before the purchase money is paid for any land compulsorily purchased under the authority of this Act, the Governor may require the claimant to execute a surrender, conveyance, or transfer of the land to the Crown, or as the Governor may direct, free from all encumbrances.

Application of 60 Vict., No. 26.

7. All such land shall be dealt with under the provisions of the Agricultural Lands Purchase Act, 1896, and the purchase money may be paid out of any moneys authorised to be raised and expended by that Act, or as therein prescribed.

**NEWCASTLE-BOLGART RAILWAY.**

---

**Schedule.**

---

**DESCRIPTION OF LINE OF RAILWAY.**

Commencing at a point in or near Newcastle Townsite on the Clackline-Newcastle Railway about  $75\frac{1}{4}$  miles from Fremantle, and proceeding thence in a generally Northerly direction for about 23 miles 54 chains, and terminating at a point in or near the Eastern boundary of Government Reserve No. 776, known as Bolgart, as more particularly delineated and coloured red on map marked P.W.D., W.A., 13465, deposited as provided for by 55 Victoria, No. 34, Section 10. Total length about 23 miles 54 chains.



# WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XXXIII.

\*\*\*\*\*

No. 33 of 1907.

AN ACT to codify the Law relating to Marine Insurance.

[Assented to 20th January, 1908.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Marine Insurance Act, 1907*, and shall come into operation on the first day of January, one thousand nine hundred and eight.

Short title and commencement.

## *Marine Insurance.*

2. A contract of marine insurance is a contract whereby the insurer undertakes to indemnify the assured, in manner and to the extent thereby agreed, against marine losses, that is to say, the losses incident to marine adventure.

Marine Insurance defined.

3. (1.) A contract of marine insurance may, by its express terms, or by usage of trade, be extended so as to protect the assured against losses on inland waters or on any land risk which may be incidental to any sea voyage.

Mixed sea and land risks.

(2.) Where a ship in course of building, or the loss of a ship, or any adventure analogous to a marine adventure, is covered by

by a policy in the form of a marine policy, the provisions of this Act, in so far as applicable, shall apply thereto; but, except as by this section provided, nothing in this Act shall alter or affect any rule of law applicable to any contract of insurance other than a contract of marine insurance as by this Act defined.

Marine adventure  
and maritime perils  
defined.

4. (1.) Subject to the provisions of this Act, every lawful marine adventure may be the subject of a contract of marine insurance.

(2.) In particular there is a marine adventure where—

- (a.) Any ship goods or other moveables are exposed to maritime perils. Such property is in this Act referred to as “insurable property”;
- (b.) The earning or acquisition of any freight, passage money, commission, profit, or other pecuniary benefit, or the security for any advances, loan, or disbursements, is endangered by the exposure of insurable property to maritime perils;
- (c.) Any liability to a third party may be incurred by the owner of, or other person interested in or responsible for, insurable property, by reason of maritime perils.

“Maritime perils” means the perils consequent on, or incidental to, the navigation of the sea, that is to say, perils of the seas, fire, war perils, pirates, rovers, thieves, captures, seizures, restraints, and detainments of princes and peoples, jettisons, barratry, and any other perils, either of the like kind or which may be designated by the policy.

#### *Insurable Interest.*

Avoidance of wager-  
ing or gaming con-  
tracts.

5. (1.) Every contract of marine insurance by way of gaming or wagering is void.

(2.) A contract of marine insurance is deemed to be a gaming or wagering contract:—

- (a.) Where the assured has not an insurable interest as defined by this Act, and the contract is entered into with no expectation of acquiring such an interest; or
- (b.) Where the policy is made “interest or no interest,” or “without further proof of interest than the policy itself,” or “without benefit of salvage to the insurer,” or subject to any other like term:

Provided that where there is no possibility of salvage, a policy may be effected without benefit of salvage to the insurer.

6. (1.) Subject to the provisions of this Act, every person has an insurable interest who is interested in a marine adventure. Insurable interest defined.

(2.) In particular a person is interested in a marine adventure where he stands in any legal or equitable relation to the adventure or to any insurable property at risk therein, in consequence of which he may benefit by the safety or due arrival of insurable property, or may be prejudiced by its loss or by damage thereto, or by the detention thereof, or may incur liability in respect thereof.

7. (1.) The assured must be interested in the subject-matter insured at the time of the loss though he need not be interested when the insurance is effected: When interest must attach.

Provided that where the subject-matter is insured "lost or not lost," the assured may recover although he may not have acquired his interest until after the loss, unless at the time of effecting the contract of insurance the assured was aware of the loss, and the insurer was not.

(2.) Where the assured has no interest at the time of the loss, he cannot acquire interest by any act or election after he is aware of the loss.

8. (1.) A defeasible interest is insurable, as also is a contingent interest. Defeasible or contingent interest.

(2.) In particular, where the buyer of goods has insured them, he has an insurable interest, notwithstanding that he might, at his election, have rejected the goods, or have treated them as at the seller's risk, by reason of the latter's delay in making delivery or otherwise.

9. A partial interest of any nature is insurable. Partial interest.

10. (1.) The insurer under a contract of marine insurance has an insurable interest in his risk, and may re-insure in respect of it. Re-insurance.

(2.) Unless the policy otherwise provides, the original assured has no right or interest in respect of such re-insurance.

11. The lender of money on bottomry or respondentia has an insurable interest in respect of the loan. Bottomry.

12. The master or any member of the crew of a ship has an insurable interest in respect of his wages. Master's and seamen's wages.

13. In the case of advance freight, the person advancing the freight has an insurable interest, in so far as such freight is not repayable in case of loss. Advance freight.



Charges of insurance.

14. The assured has an insurable interest in the charges of any insurance which he may effect.

Quantum of interest.

15. (1.) Where the subject-matter insured is mortgaged, the mortgagor has an insurable interest in the full value thereof, and the mortgagee has an insurable interest in respect of any sum due or to become due under the mortgage.

(2.) A mortgagee, consignee, or other person having an interest in the subject-matter insured may insure on behalf and for the benefit of other persons interested as well as for his own benefit.

(3.) The owner of insurable property has an insurable interest in respect of the full value thereof, notwithstanding that some third person may have agreed, or be liable, to indemnify him in case of loss.

Assignment of interest.

16. Where the assured assigns or otherwise parts with his interest in the subject-matter insured, he does not thereby transfer to the assignee his rights under the contract of insurance, unless there be an express or implied agreement with the assignee to that effect.

But the provisions of this section do not affect a transmission of interest by operation of law.

### *Insurable Value.*

Measure of insurable value.

17. Subject to any express provision or valuation in the policy, the insurable value of the subject-matter insured must be ascertained as follows:—

- (1.) In insurance on ship, the insurable value is the value, at the commencement of the risk, of the ship, including her outfit, provisions and stores for the officers and crew, money advanced for seamen's wages, and other disbursements (if any) incurred to make the ship fit for the voyage or adventure contemplated by the policy, plus the charges of insurance upon the whole:

The insurable value, in the case of a steamship, includes also the machinery, boilers, and coals and engine stores if owned by the assured, and in the case of a ship engaged in a special trade, the ordinary fittings requisite for that trade:

- (2.) In insurance on freight, whether paid in advance or otherwise, the insurable value is the gross amount of the freight at the risk of the assured, plus the charges of insurance:
- (3.) In insurance on goods or merchandise, the insurable value is the prime cost of the property insured, plus the

the expenses of and incidental to shipping and the charges of insurance upon the whole:

- (4.) In insurance on any other subject-matter, the insurable value is the amount at the risk of the assured when the policy attaches, plus the charges of insurance.

*Disclosure and Representations.*

18. A contract of marine insurance is a contract based upon the utmost good faith, and, if the utmost good faith be not observed by either party, the contract may be avoided by the other party.

*Insurance is uberrimae fidei.*

19. (1.) Subject to the provisions of this section, the assured must disclose to the insurer, before the contract is concluded, every material circumstance which is known to the assured, and the assured is deemed to know every circumstance which, in the ordinary course of business, ought to be known by him. If the assured fails to make such disclosure, the insurer may avoid the contract.

*Disclosure by assured.*

(2.) Every circumstance is material which would influence the judgment of a prudent insurer in fixing the premium, or determining whether he will take the risk.

(3.) In the absence of inquiry the following circumstances need not be disclosed, namely:—

- (a.) Any circumstance which diminishes the risk;
- (b.) Any circumstance which is known or presumed to be known to the insurer. The insurer is presumed to know matters of common notoriety or knowledge, and matters which an insurer in the ordinary course of his business, as such, ought to know;
- (c.) Any circumstance as to which information is waived by the insurer;
- (d.) Any circumstance which it is superfluous to disclose by reason of an express or implied warranty.

(4.) Whether any particular circumstance, which is not disclosed, be material or not is, in each case, a question of fact.

(5.) The term “circumstance” includes any communication made to, or information received by, the assured.

20. Subject to the provisions of the preceding section as to circumstances which need not be disclosed, where an insurance is effected for the assured by an agent, the agent must disclose to the insurer—

*Disclosure by agent effecting insurance.*

- (a.) Every material circumstance which is known to himself, and an agent to insure is deemed to know every circumstance

circumstance which in the ordinary course of business ought to be known by, or to have been communicated to, him; and

- (b.) Every material circumstance which the assured is bound to disclose, unless it come to his knowledge too late to communicate it to the agent.

Representations  
pending negotiation  
of contract.

21. (1.) Every material representation made by the assured or his agent to the insurer during the negotiations for the contract, and before the contract is concluded, must be true. If it be untrue the insurer may avoid the contract.

(2.) A representation is material which would influence the judgment of a prudent insurer in fixing the premium, or determining whether he will take the risk.

(3.) A representation may be either a representation as to a matter of fact, or as to a matter of expectation or belief.

(4.) A representation as to a matter of fact is true, if it be substantially correct, that is to say, if the difference between what is represented and what is actually correct would not be considered material by a prudent insurer.

(5.) A representation as to a matter of expectation or belief is true if it be made in good faith.

(6.) A representation may be withdrawn or corrected before the contract is concluded.

(7.) Whether a particular representation be material or not is, in each case, a question of fact.

When contract is  
deemed to be con-  
cluded.

22. A contract of marine insurance is deemed to be concluded when the proposal of the assured is accepted by the insurer, whether the policy be then issued or not; and for the purpose of showing when the proposal was accepted, reference may be made to the slip or covering note or other customary memorandum of the contract, although it be unstamped.

### *The Policy.*

Contract must be  
embodied in policy.

23. Subject to the provisions of any statute, a contract of marine insurance is inadmissible in evidence unless it is embodied in a marine policy in accordance with this Act. The policy may be executed and issued either at the time when the contract is concluded, or afterwards.

What policy must  
specify.

24. A marine policy must specify—

- (1.) The name of the assured, or of some person who effects the insurance on his behalf;
- (2.) The subject-matter insured and the risk insured against;
- (3.)

- (3.) The voyage, or period of time, or both, as the case may be, covered by the insurance;
- (4.) The sum or sums insured;
- (5.) The name or names of the insurers.

25. (1.) A marine policy must be signed by or on behalf of the insurer, provided that in the case of a corporation the corporate seal may be sufficient, but nothing in this section shall be construed as requiring the subscription of a corporation to be under seal.

Signature of insurer.

(2.) Where a policy is subscribed by or on behalf of two or more insurers, each subscription, unless the contrary be expressed, constitutes a distinct contract with the assured.

26. (1.) Where the contract is to insure the subject-matter at and from, or from one place to another or others, the policy is called a "voyage policy," and where the contract is to insure the subject-matter for a definite period of time the policy is called a "time policy." A contract for both voyage and time may be included in the same policy.

Voyage and time policies.

(2.) A time policy which is made for any time exceeding twelve months is invalid:

Provided that a time policy may contain a continuation clause as defined in this section, and such policy is not invalid on the ground only that by reason of the continuation clause it may become available for a period exceeding twelve months.

(3.) If the risk covered by the continuation clause attaches and a new policy is not issued covering the risk, the continuation clause is deemed to be a new and separate contract of marine insurance expressed in the policy in which it is contained.

(4.) For the purposes of this section the expression "continuation clause" means an agreement to the following or the like effect, namely, that in the event of the ship being at sea, or the voyage not otherwise completed on the expiration of the policy, the subject-matter of the insurance shall be held covered until the arrival of the ship, or for a reasonable time thereafter not exceeding thirty days.

27. (1.) The subject-matter insured must be designated in a marine policy with reasonable certainty.

Designation of subject-matter.

(2.) The nature and extent of the interest of the assured in the subject-matter insured need not be specified in the policy.

(3.) Where the policy designates the subject-matter insured in general terms, it shall be construed to apply to the interest intended by the assured to be covered.

(4.) In the application of this section regard shall be had to any usage regulating the designation of the subject-matter insured.

**Valued policy.**

**28.** (1.) A policy may be either valued or unvalued.

(2.) A valued policy is a policy which specifies the agreed value of the subject-matter insured.

(3.) Subject to the provisions of this Act, and in the absence of fraud, the value fixed by the policy is, as between the insurer and assured, conclusive of the insurable value of the subject intended to be insured, whether the loss be total or partial.

(4.) Unless the policy otherwise provides, the value fixed by the policy is not conclusive for the purpose of determining whether there has been a constructive total loss.

**Unvalued policy.**

**29.** An unvalued policy is a policy which does not specify the value of the subject-matter insured, but, subject to the limit of the sum insured, leaves the insurable value to be subsequently ascertained, in the manner hereinbefore specified.

**Floating policy by ship or ships.**

**30.** (1.) A floating policy is a policy which describes the insurance in general terms, and leaves the name of the ship or ships and other particulars to be defined by subsequent declaration.

(2.) The subsequent declaration or declarations may be made by indorsement on the policy, or in other customary manner.

(3.) Unless the policy otherwise provides, the declarations must be made in the order of dispatch or shipment. They must, in the case of goods, comprise all consignments within the terms of the policy, and the value of the goods or other property must be honestly stated, but an omission or erroneous declaration may be rectified even after loss or arrival, provided the omission or declaration was made in good faith.

(4.) Unless the policy otherwise provides, where a declaration of value is not made until after notice of loss or arrival, the policy must be treated as an unvalued policy as regards the subject-matter of that declaration.

**Construction of terms in policy.**

**31.** Subject to the provisions of this Act, and unless the context of the policy otherwise requires, the terms and expressions mentioned in the First Schedule to this Act shall be construed as having the scope and meaning in that schedule assigned to them.

**Premium to be arranged.**

**32.** (1.) Where an insurance is effected at a premium to be arranged, and no arrangement is made, a reasonable premium is payable.

(2.) Where an insurance is effected on the terms that an additional premium is to be arranged in a given event, and that event happens but no arrangement is made, then a reasonable additional premium is payable.

#### *Double Insurance.*

33. (1.) Where two or more policies are effected by or on behalf of the assured on the same adventure and interest or any part thereof, and the sums insured exceed the indemnity allowed by this Act, the assured is said to be over-insured by double insurance. Double insurance.

(2.) Where the assured is over-insured by double insurance—

- (a.) The assured, unless the policy otherwise provides, may claim payment from the insurers in such order as he may think fit, provided that he is not entitled to receive any sum in excess of the indemnity allowed by this Act;
- (b.) Where the policy under which the assured claims is a valued policy, the assured must give credit as against the valuation for any sum received by him under any other policy without regard to the actual value of the subject-matter insured.
- (c.) Where the policy under which the assured claims is an unvalued policy he must give credit, as against the full insurable value, for any sum received by him under any other policy;
- (d.) Where the assured receives any sum in excess of the indemnity allowed by this Act, he is deemed to hold such sum in trust for the insurers, according to their right of contribution among themselves.

#### *Warranties, etc.*

34. (1.) A warranty, in the following sections relating to warranties, means a promissory warranty, that is to say, a warranty by which the assured undertakes that some particular thing shall or shall not be done, or that some condition shall be fulfilled, or whereby he affirms or negatives the existence of a particular state of facts. Nature of warranty.

(2.) A warranty may be express or implied.

(3.) A warranty, as above defined, is a condition which must be exactly complied with, whether it be material to the risk or not. If it be not so complied with, then, subject to any express provision in the policy, the insurer is discharged from liability as from the date of the breach of warranty, but without prejudice to any liability incurred by him before that date.

When breach of  
warranty excused.

35. (1.) Non-compliance with a warranty is excused when, by reason of a change of circumstances, the warranty ceases to be applicable to the circumstances of the contract, or when compliance with the warranty is rendered unlawful by any subsequent law.

(2.) Where a warranty is broken, the assured cannot avail himself of the defence that the breach has been remedied, and the warranty complied with, before loss.

(3.) A breach of warranty may be waived by the insurer.

Express warranties.

36. (1.) An express warranty may be in any form of words from which the intention to warrant is to be inferred.

(2.) An express warranty must be included in, or written upon, the policy, or must be contained in some document incorporated by reference into the policy.

(3.) An express warranty does not exclude an implied warranty, unless it be inconsistent therewith.

Warranty of  
neutrality.

37. (1.) Where insurable property, whether ship or goods, is expressly warranted neutral there is an implied condition that the property shall have a neutral character at the commencement of the risk, and that, so far as the assured can control the matter, its neutral character shall be preserved during the risk.

(2.) Where a ship is expressly warranted "neutral" there is also an implied condition that, so far as the assured can control the matter, she shall be properly documented, that is to say, that she shall carry the necessary papers to establish her neutrality, and that she shall not falsify or suppress her papers, or use simulated papers. If any loss occurs through breach of this condition, the insurer may avoid the contract.

No implied war-  
ranty of nationality.

38. There is no implied warranty as to the nationality of a ship, or that her nationality shall not be changed during the risk.

Warranty of good  
safety.

39. Where the subject-matter insured is warranted "well" or "in good safety" on a particular day, it is sufficient if it be safe at any time during that day.

Warranty of sea-  
worthiness of ship.

40. (1.) In a voyage policy there is an implied warranty that at the commencement of the voyage the ship shall be seaworthy for the purpose of the particular adventure insured.

(2.) Where the policy attaches while the ship is in port, there is also an implied warranty that she shall, at the commencement of the risk, be reasonably fit to encounter the ordinary perils of the port.

(3.) Where the policy relates to a voyage which is performed in different stages, during which the ship requires different kinds of or further preparation or equipment, there is an

implied warranty that at the commencement of each stage the ship is seaworthy in respect of such preparation or equipment for the purposes of that stage.

(4.) A ship is deemed to be seaworthy when she is reasonably fit in all respects to encounter the ordinary perils of the seas of the adventure insured.

(5.) In a time policy there is no implied warranty that the ship shall be seaworthy at any stage of the adventure, but where, with the privity of the assured, the ship is sent to sea in an unseaworthy state, the insurer is not liable for any loss attributable to unseaworthiness.

41. (1.) In a policy on goods or other moveables there is no implied warranty that the goods or moveables are seaworthy.

No implied warranty that goods are seaworthy.

(2.) In a voyage policy on goods or other moveables there is an implied warranty that at the commencement of the voyage the ship is not only seaworthy as a ship, but also that she is reasonably fit to carry the goods or other moveables to the destination contemplated by the policy.

42. There is an implied warranty that the adventure insured is a lawful one, and that, so far as the assured can control the matter, the adventure shall be carried out in a lawful manner.

Warranty of legality.

### *The Voyage.*

43. (1.) Where the subject-matter is insured by a voyage policy "at and from" or "from" a particular place, it is not necessary that the ship should be at that place when the contract is concluded, but there is an implied condition that the adventure shall be commenced within a reasonable time, and that if the adventure be not so commenced the insurer may avoid the contract.

Implied condition as to commencement of risk.

(2.) The implied condition may be negated by showing that the delay was caused by circumstances known to the insurer before the contract was concluded, or by showing that he waived the condition.

44. Where the place of departure is specified by the policy, and the ship instead of sailing from that place sails from any other place, the risk does not attach.

Alteration of port of departure.

45. Where the destination is specified in the policy, and the ship, instead of sailing for that destination, sails for any other destination, the risk does not attach.

Sailing for different destination.

46. (1.) Where, after the commencement of the risk, the destination of the ship is voluntarily changed from the destination contemplated by the policy, there is said to be a change of voyage.

Change of voyage.

(2.)



(2.) Unless the policy otherwise provides, where there is a change of voyage, the insurer is discharged from liability as from the time of change, that is to say, as from the time when the determination to change it is manifested; and it is immaterial that the ship may not in fact have left the course of voyage contemplated by the policy when the loss occurs.

**Deviation.**

47. (1.) Where a ship, without lawful excuse, deviates from the voyage contemplated by the policy, the insurer is discharged from liability as from the time of deviation, and it is immaterial that the ship may have regained her route before any loss occurs.

(2.) There is a deviation from the voyage contemplated by the policy—

(a.) Where the course of the voyage is specifically designated by the policy, and that course is departed from; or

(b.) Where the course of the voyage is not specifically designated by the policy, but the usual and customary course is departed from.

(3.) The intention to deviate is immaterial; there must be a deviation in fact to discharge the insurer from his liability under the contract.

**Several ports of discharge.**

48. (1.) Where several ports of discharge are specified by the policy, the ship may proceed to all or any of them, but, in the absence of any usage or sufficient cause to the contrary, she must proceed to them, or such of them as she goes to, in the order designated by the policy. If she does not there is a deviation.

(2.) Where the policy is to “ports of discharge,” within a given area, which are not named, the ship must, in the absence of any usage or sufficient cause to the contrary, proceed to them, or such of them as she goes to, in their geographical order. If she does not there is a deviation.

**Delay in voyage.**

49. In the case of a voyage policy, the adventure insured must be prosecuted throughout its course with reasonable despatch, and, if without lawful excuse it is not so prosecuted, the insurer is discharged from liability as from the time when the delay became unreasonable.

**Excuses for deviation or delay.**

50. (1.) Deviation or delay in prosecuting the voyage contemplated by the policy is excused—

(a.) Where authorised by any special term in the policy; or

(b.) Where caused by circumstances beyond the control of the master and his employer; or

- (c.) Where reasonably necessary in order to comply with an express or implied warranty; or
- (d.) Where reasonably necessary for the safety of the ship or subject-matter insured; or
- (e.) For the purpose of saving human life, or aiding a ship in distress where human life may be in danger; or
- (f.) Where reasonably necessary for the purpose of obtaining medical or surgical aid for any person on board the ship; or
- (g.) Where caused by the barratrous conduct of the master or crew; if barratry be one of the perils insured against.

(2.) When the cause excusing the deviation or delay ceases to operate, the ship must resume her course, and prosecute her voyage, with reasonable dispatch.

#### *Assignment of Policy.*

51. (1.) A marine policy is assignable unless it contains terms expressly prohibiting assignment. It may be assigned either before or after loss. When and how policy is assignable.

(2.) Where a marine policy has been assigned so as to pass the beneficial interest in such policy, the assignee of the policy is entitled to sue thereon in his own name; and the defendant is entitled to make any defence arising out of the contract which he would have been entitled to make if the action had been brought in the name of the person by or on behalf of whom the policy was effected.

(3.) A marine policy may be assigned by endorsement thereon or in other customary manner.

52. Where the assured has parted with or lost his interest in the subject-matter insured, and has not, before or at the time of so doing, expressly or impliedly agreed to assign the policy, any subsequent assignment of the policy is inoperative: Assured who has no interest cannot assign.

Provided that nothing in this section affects the assignment of a policy after loss.

#### *The Premium.*

53. Unless otherwise agreed, the duty of the assured or his agent to pay the premium, and the duty of the insurer to issue the policy to the assured or his agent, are concurrent conditions, and the insurer is not bound to issue the policy until payment or tender of the premium. When premium payable.

54. (1.) Unless otherwise agreed, where a marine policy is effected on behalf of the assured by a broker, the broker is directly responsible Policy effected through broker.

responsible to the insurer for the premium, and the insurer is directly responsible to the assured for the amount which may be payable in respect of losses, or in respect of returnable premium.

(2.) Unless otherwise agreed, the broker has, as against the assured, a lien upon the policy for the amount of the premium and his charges in respect of effecting the policy; and, where he has dealt with the person who employs him as a principal, he has also a lien on the policy in respect of any balance on any insurance account which may be due to him from such person, unless when the debt was incurred he had reason to believe that such person was only an agent.

Effect of receipt on policy.

55. Where a marine policy effected on behalf of the assured by a broker acknowledges the receipt of the premium, such acknowledgment is, in the absence of fraud, conclusive as between the insurer and the assured, but not as between the insurer and broker.

#### *Loss and Abandonment.*

Included and excluded losses.

56. (1.) Subject to the provisions of this Act, and unless the policy otherwise provides, the insurer is liable for any loss proximately caused by a peril insured against, but, subject as aforesaid, he is not liable for any loss which is not proximately caused by a peril insured against.

(2.) In particular,—

(a.) The insurer is not liable for any loss attributable to the wilful misconduct of the assured, but, unless the policy otherwise provides, he is liable for any loss proximately caused by a peril insured against, even though the loss would not have happened but for the misconduct or negligence of the master or crew;

(b.) Unless the policy otherwise provides, the insurer on ship or goods is not liable for any loss proximately caused by delay, although the delay be caused by a peril insured against;

(c.) Unless the policy otherwise provides, the insurer is not liable for ordinary wear and tear, ordinary leakage and breakage, inherent vice or nature of the subject-matter insured, or for any loss proximately caused by rats or vermin, or for any injury to machinery not proximately caused by maritime perils.

Partial and total loss.

57. (1.) A loss may be either total or partial. Any loss other than a total loss, as hereinafter defined, is a partial loss.

(2.) A total loss may be either an actual total loss or a constructive total loss.

(3.) Unless a different intention appears from the terms of the policy, an insurance against total loss includes a constructive, as well as an actual, total loss.

(4.) Where the assured brings an action for a total loss and the evidence proves only a partial loss, he may, unless the policy otherwise provides, recover for a partial loss.

(5.) Where goods reach their destination in specie, but by reason of obliteration of marks, or otherwise, they are incapable of identification, the loss, if any, is partial, and not total.

58. (1.) Where the subject-matter insured is destroyed, or so damaged as to cease to be a thing of the kind insured, or where the assured is irretrievably deprived thereof, there is an actual total loss. Actual total loss.

(2.) In the case of an actual total loss no notice of abandonment need be given.

59. Where the ship concerned in the adventure is missing, and after the lapse of a reasonable time no news of her has been received, an actual total loss may be presumed. Missing ship.

60. Where, by a peril insured against, the voyage is interrupted at an intermediate port or place, under such circumstances as, apart from any special stipulation in the contract of affreightment, to justify the master in landing, and re-shipping the goods or other moveables, or in transshipping them, and sending them on to their destination, the liability of the insurer continues, notwithstanding the landing or transshipment. Effect of transshipment, etc.

61. (1.) Subject to any express provision in the policy, there is a constructive total loss where the subject-matter insured is reasonably abandoned on account of its actual total loss appearing to be unavoidable, or because it could not be preserved from actual total loss without an expenditure which would exceed its value when the expenditure had been incurred. Constructive total loss defined.

(2.) In particular, there is a constructive total loss—

(i.) Where the assured is deprived of the possession of his ship or goods by a peril insured against, and

(a.) it is unlikely that he can recover the ship or goods, as the case may be; or

(b.) the cost of recovering the ship or goods, as the case may be, would exceed their value when recovered; or

(ii.) In the case of damage to a ship, where she is so damaged by a peril insured against that the cost of repairing the damage would exceed the value of the ship when repaired.

In estimating the cost of repairs, no deduction is to be made in respect of general average contributions to those repairs payable by other interests, but account is to be taken of the expense of future salvage operations and of any future general average contributions to which the ship would be liable if repaired;  
or

(iii.) In the case of damage to goods, where the cost of repairing the damage and forwarding the goods to their destination would exceed their value on arrival.

Effect of constructive total loss.

62. Where there is a constructive total loss the assured may either treat the loss as a partial loss, or abandon the subject-matter insured to the insurer and treat the loss as if it were an actual total loss.

Notice of abandonment.

63. (1.) Subject to the provisions of this section, where the assured elects to abandon the subject-matter insured to the insurer, he must give notice of abandonment. If he fails to do so the loss can only be treated as a partial loss.

(2.) Notice of abandonment may be given in writing, or by word of mouth, or partly in writing and partly by word of mouth, and may be given in any terms which indicate the intention of the assured to abandon his insured interest in the subject-matter insured unconditionally to the insurer.

(3.) Notice of abandonment must be given with reasonable diligence after receipt of reliable information of the loss, but where the information is of a doubtful character the assured is entitled to a reasonable time to make inquiry.

(4.) Where notice of abandonment is properly given, the rights of the assured are not prejudiced by the fact that the insurer refuses to accept the abandonment.

(5.) The acceptance of an abandonment may be either express or implied from the conduct of the insurer. The mere silence of the insurer after notice is not an acceptance.

(6.) Where notice of abandonment is accepted the abandonment is irrevocable. The acceptance of the notice conclusively admits liability for the loss and the sufficiency of the notice.

(7.) Notice of abandonment is unnecessary where, at the time when the assured receives information of the loss, there would be no possibility of benefit to the insurer if notice were given to him.

(8.) Notice of abandonment may be waived by the insurer.

(9.)

(9.) Where an insurer has re-insured his risk, no notice of abandonment need be given by him.

64. (1.) Where there is a valid abandonment the insurer is entitled to take over the interest of the assured in whatever may remain of the subject-matter insured, and all proprietary rights incidental thereto. Effect of abandonment.

(2.) Upon the abandonment of a ship, the insurer thereof is entitled to any freight in course of being earned, and which is earned by her subsequent to the casualty causing the loss, less the expenses of earning it incurred after the casualty; and, where the ship is carrying the owner's goods, the insurer is entitled to a reasonable remuneration for the carriage of them subsequent to the casualty causing the loss.

*Partial Losses (including Salvage and General Average and Particular Charges).*

65. (1.) A particular average loss is a partial loss of the subject-matter insured, caused by a peril insured against, and which is not a general average loss. Particular average loss.

(2.) Expenses incurred by or on behalf of the assured for the safety or preservation of the subject-matter insured, other than general average and salvage charges, are called particular charges. Particular charges are not included in particular average.

66. (1.) Subject to any express provision in the policy, salvage charges incurred in preventing a loss by perils insured against may be recovered as a loss by those perils. Salvage charges.

(2.) "Salvage charges" means the charges recoverable under maritime law by a salvor independently of contract. They do not include the expenses of services in the nature of salvage rendered by the assured or his agents, or any person employed for hire by them, for the purpose of averting a peril insured against. Such expenses, where properly incurred, may be recovered as particular charges or as a general average loss, according to the circumstances under which they were incurred.

67. (1.) A general average loss is a loss caused by or directly consequential on a general average act. It includes a general average expenditure as well as a general average sacrifice. General average loss.

(2.) There is a general average act where any extraordinary sacrifice or expenditure is voluntarily and reasonably made or incurred in time of peril for the purpose of preserving the property imperilled in the common adventure.

(3.) Where there is a general average loss, the party on whom it falls is entitled, subject to the conditions imposed by maritime

maritime law, to a rateable contribution from the other parties interested, and such contribution is called a **general average contribution**.

(4.) Subject to any express provision in the policy, where the assured has incurred a general average expenditure, he may recover from the insurer in respect of the proportion of the loss which falls upon him; and, in the case of a general average sacrifice, he may recover from the insurer in respect of the whole loss without having enforced his right of contribution from the other parties liable to contribute.

(5.) Subject to any express provision in the policy, where the assured has paid, or is liable to pay, a general average contribution in respect of the subject insured, he may recover therefor from the insurer.

(6.) In the absence of express stipulation, the insurer is not liable for any general average loss or contribution where the loss was not incurred for the purpose of avoiding, or in connection with the avoidance of, a peril insured against.

(7.) Where ship, freight, and cargo, or any two of those interests, are owned by the same assured, the liability of the insurer in respect of general average losses or contributions is to be determined as if those subjects were owned by different persons.

#### *Measure of Indemnity.*

Extent of liability  
of insurer for loss.

68. (1.) The sum which the assured can recover in respect of a loss on a policy by which he is insured, in the case of an unvalued policy to the full extent of the insurable value, or, in the case of a valued policy to the full extent of the value fixed by the policy, is called the measure of indemnity.

(2.) Where there is a loss recoverable under the policy, the insurer, or each insurer if there be more than one, is liable for such proportion of the measure of indemnity as the amount of his subscription bears to the value fixed by the policy in the case of a valued policy, or to the insurable value in the case of an unvalued policy.

Total loss.

69. Subject to the provisions of this Act and to any express provision in the policy, where there is a total loss of the subject-matter insured—

(1.) If the policy be a valued policy, the measure of indemnity is the sum fixed by the policy:

(2.) If the policy be an unvalued policy, the measure of indemnity is the insurable value of the subject-matter insured.

70. Where a ship is damaged, but is not totally lost, the measure of indemnity, subject to any express provision in the policy, is as follows:— Partial loss of ship.

- (1.) Where the ship has been repaired, the assured is entitled to the reasonable cost of the repairs, less the customary deductions, but not exceeding the sum insured in respect of any one casualty:
- (2.) Where the ship has been only partially repaired, the assured is entitled to the reasonable cost of such repairs, computed as above, and also to be indemnified for the reasonable depreciation, if any, arising from the unrepaired damage, provided that the aggregate amount shall not exceed the cost of repairing the whole damage, computed as above:
- (3.) Where the ship has not been repaired, and has not been sold in her damaged state during the risk, the assured is entitled to be indemnified for the reasonable depreciation arising from the unrepaired damage, but not exceeding the reasonable cost of repairing such damage, computed as above.

71. Subject to any express provision in the policy, where there is a partial loss of freight, the measure of indemnity is such proportion of the sum fixed by the policy in the case of a valued policy, or of the insurable value in the case of an unvalued policy, as the proportion of freight lost by the assured bears to the whole freight at the risk of the assured under the policy. Partial loss of freight.

72. Where there is a partial loss of goods, merchandise, or other moveables, the measure of indemnity, subject to any express provision in the policy, is as follows:— Partial loss of goods, merchandise, etc.

- (1.) Where part of the goods, merchandise, or other moveables insured by a valued policy is totally lost, the measure of indemnity is such proportion of the sum fixed by the policy as the insurable value of the part lost bears to the insurable value of the whole, ascertained as in the case of an unvalued policy:
- (2.) Where part of the goods, merchandise, or other moveables insured by an unvalued policy is totally lost, the measure of indemnity is the insurable value of the part lost, ascertained as in case of total loss:
- (3.) Where the whole or any part of the goods or merchandise insured has been delivered damaged at its destination, the measure of indemnity is such proportion of the sum fixed by the policy in the case of a valued policy, or of the insurable value in the case of an unvalued policy, as the difference between the gross



sound and damaged values at the place of arrival bears to the gross sound value:

- (4.) "Gross value" means the wholesale price or, if there be no such price, the estimated value, with, in either case, freight, landing charges, and duty paid beforehand; provided that, in the case of goods or merchandise customarily sold in bond, the bonded price is deemed to be the gross value. "Gross proceeds" means the actual price obtained at a sale where all charges on sale are paid by the sellers.

Apportionment of valuation.

73. (1.) Where different species of property are insured under a single valuation, the valuation must be apportioned over the different species in proportion to their respective insurable values, as in the case of an unvalued policy. The insured value of any part of a species is such proportion of the total insured value of the same as the insurable value of the part bears to the insurable value of the whole, ascertained in both cases as provided by this Act.

(2.) Where a valuation has to be apportioned, and particulars of the prime cost of each separate species, quality, or description of goods cannot be ascertained, the division of the valuation may be made over the net arrived sound values of the different species, qualities, or descriptions of goods.

General average contributions and salvage charges.

74. (1.) Subject to any express provision in the policy, where the assured has paid, or is liable for, any general average contribution, the measure of indemnity is the full amount of such contribution, if the subject-matter liable to contribution is insured for its full contributory value; but, if such subject-matter be not insured for its full contributory value, or if only part of it be insured, the indemnity payable by the insurer must be reduced in proportion to the under insurance, and where there has been a particular average loss which constitutes a deduction from the contributory value, and for which the insurer is liable, that amount must be deducted from the insured value in order to ascertain what the insurer is liable to contribute.

(2.) Where the insurer is liable for salvage charges the extent of his liability must be determined on the like principle.

Liabilities to third parties.

75. Where the assured has effected an insurance in express terms against any liability to a third party, the measure of indemnity, subject to any express provision in the policy, is the amount paid or payable by him to such third party in respect of such liability.

General provisions as to measure of indemnity.

76. (1.) Where there has been a loss in respect of any subject-matter not expressly provided for in the foregoing provisions of

this Act, the measure of indemnity shall be ascertained, as nearly as may be, in accordance with those provisions, in so far as applicable to the particular case.

(2.) Nothing in the provisions of this Act relating to the measure of indemnity shall affect the rules relating to double insurance, or prohibit the insurer from disproving interest wholly or in part, or from showing that at the time of the loss the whole or any part of the subject-matter insured was not at risk under the policy.

77. (1.) Where the subject-matter insured is warranted free from particular average, the assured cannot recover for a loss of part, other than a loss incurred by a general average sacrifice, unless the contract contained in the policy be apportionable; but, if the contract be apportionable, the assured may recover for a total loss of any apportionable part.

Particular average warranties.

(2.) Where the subject-matter insured is warranted free from particular average, either wholly or under a certain percentage, the insurer is nevertheless liable for salvage charges, and for particular charges and other expenses properly incurred pursuant to the provisions of the suing and labouring clause in order to avert a loss insured against.

(3.) Unless the policy otherwise provides, where the subject-matter insured is warranted free from particular average under a specified percentage, a general average loss cannot be added to a particular average loss to make up the specified percentage.

(4.) For the purpose of ascertaining whether the specified percentage has been reached, regard shall be had only to the actual loss suffered by the subject-matter insured. Particular charges and the expenses of and incidental to ascertaining and proving the loss must be excluded.

78. (1.) Unless the policy otherwise provides and subject to the provisions of this Act, the insurer is liable for successive losses, even though the total amount of such losses may exceed the sum insured.

Successive losses.

(2.) Where, under the same policy, a partial loss, which has not been repaired or otherwise made good, is followed by a total loss, the assured can only recover in respect of the total loss:

Provided that nothing in this section shall affect the liability of the insurer under the suing and labouring clause.

79. (1.) Where the policy contains a suing and labouring clause, the engagement thereby entered into is deemed to be supplementary to the contract of insurance, and the assured may

Suing and labouring clause.

recover

recover from the insurer any expenses properly incurred pursuant to the clause, notwithstanding that the insurer may have paid for a total loss, or that the subject-matter may have been warranted free from particular average, either wholly or under a certain percentage.

(2.) General average losses and contributions and salvage charges, as defined by this Act, are not recoverable under the suing and labouring clause.

(3.) Expenses incurred for the purpose of averting or diminishing any loss not covered by the policy are not recoverable under the suing and labouring clause.

(4.) It is the duty of the assured and his agents, in all cases, to take such measures as may be reasonable for the purpose of averting or minimising a loss.

#### *Rights of Insurer on Payment.*

Right of subrogation.

80. (1.) Where the insurer pays for a total loss, either of the whole, or in the case of goods of any apportionable part, of the subject-matter insured, he thereupon becomes entitled to take over the interest of the assured in whatever may remain of the subject-matter so paid for, and he is thereby subrogated to all the rights and remedies of the assured in and in respect of that subject-matter as from the time of the casualty causing the loss.

(2.) Subject to the foregoing provisions, where the insurer pays for a partial loss, he acquires no title to the subject-matter insured, or such part of it as may remain, but he is thereupon subrogated to all rights and remedies of the assured in and in respect of the subject-matter insured as from the time of the casualty causing the loss, in so far as the assured has been indemnified, according to this Act, by such payment for the loss.

Right of contribution.

81. (1.) Where the assured is over-insured by double insurance, each insured is bound, as between himself and the other insurers, to contribute rateably to the loss in proportion to the amount for which he is liable under his contract.

(2.) If any insurer pays more than his proportion of the loss, he is entitled to maintain an action for contribution against the other insurers, and is entitled to the like remedies as a surety who has paid more than his proportion of the debt.

Effect of under insurance.

82. Where the assured is insured for an amount less than the insurable value or, in the case of a valued policy, for an amount less than the policy valuation, he is deemed to be his own insurer in respect of the uninsured balance.

*Return of Premium.*

83. Where the premium, or a proportionate part thereof is, by this Act, declared to be returnable,— Enforcement of return.

- (a.) If already paid, it may be recovered by the assured from the insurer; and
- (b.) If unpaid, it may be retained by the assured or his agent.

84. Where the policy contains a stipulation for the return of the premium, or a proportionate part thereof, on the happening of a certain event, and that event happens, the premium, or, as the case may be, the proportionate part thereof, is thereupon returnable to the assured. Return by agreement.

85. (1.) Where the consideration for the payment of the premium totally fails, and there has been no fraud or illegality on the part of the assured or his agents, the premium is thereupon returnable to the assured. Return for failure of consideration.

(2.) Where the consideration for the payment of the premium is apportionable and there is a total failure of any apportionable part of the consideration, a proportionate part of the premium is, under the like conditions, thereupon returnable to the assured.

(3.) In particular—

- (a.) Where the policy is void, or is avoided by the insurer as from the commencement of the risk, the premium is returnable, provided that there has been no fraud or illegality on the part of the assured; but if the risk is not apportionable, and has once attached, the premium is not returnable:
- (b.) Where the subject-matter insured, or part thereof, has never been imperilled, the premium, or, as the case may be, a proportionate part thereof, is returnable:

Provided that where the subject-matter has been insured "lost or not lost" and has arrived in safety at the time when the contract is concluded, the premium is not returnable unless, at such time, the insurer knew of the safe arrival;

- (c.) Where the assured has no insurable interest throughout the currency of the risk, the premium is returnable, provided that this rule does not apply to a policy effected by way of gaming or wagering;
- (d.) Where the assured has a defeasible interest which is terminated during the currency of the risk, the premium is not returnable;

(e.)

- (e.) Where the assured has over-insured under an unvalued policy, a proportionate part of the premium is returnable;
- (f.) Subject to the foregoing provisions, where the assured has over-insured by double insurance, a proportionate part of the several premiums is returnable:

Provided that, if the policies are effected at different times, and any earlier policy has at any time borne the entire risk, or if a claim has been paid on the policy in respect of the full sum insured thereby, no premium is returnable in respect of that policy, and when the double insurance is effected knowingly by the assured no premium is returnable.

#### *Mutual Insurance.*

Modification of Act in case of mutual insurance.

86. (1.) Where two or more persons mutually agree to insure each other against marine losses there is said to be a mutual insurance.

(2.) The provisions of this Act relating to the premium do not apply to mutual insurance, but a guarantee, or such other arrangement as may be agreed upon, may be substituted for the premium.

(3.) The provisions of this Act, in so far as they may be modified by the agreement of the parties, may in the case of mutual insurance be modified by the terms of the policies issued by the association, or by the rules and regulations of the association.

(4.) Subject to the exceptions mentioned in this section, the provisions of this Act apply to a mutual insurance.

#### *Supplemental.*

Ratification by assured.

87. Where a contract of marine insurance is in good faith effected by one person on behalf of another, the person on whose behalf it is effected may ratify the contract even after he is aware of a loss.

Implied obligations varied by agreement or usage.

88. (1.) Where any right, duty, or liability would arise under a contract of marine insurance by implication of law, it may be negatived or varied by express agreement, or by usage, if the usage be such as to bind both parties to the contract.

(2.) The provisions of this section extend to any right, duty, or liability declared by this Act which may be lawfully modified by agreement.

89. Where by this Act any reference is made to reasonable time, reasonable premium, or reasonable diligence, the question what is reasonable is a question of fact.

Reasonable time, etc., a question of fact.

90. Where there is a duly stamped policy, reference may be made, as heretofore, to the slip or covering note, in any legal proceeding.

Slip as evidence.

91. In this Act, unless the context or subject-matter otherwise requires:—

Interpretation of terms.

“ Action ” includes counter-claim and set off:

“ Freight ” includes the profit derivable by a shipowner from the employment of his ship to carry his own goods or moveables, as well as freight payable by a third party, but does not include passage money:

“ Moveables ” means any moveable tangible property, other than the ship, and includes money, valuable securities, and other documents:

“ Policy ” means a marine policy.

92. (1.) Nothing in this Act, or in any repeal effected thereby, shall affect—

Savings.

(a.) The provisions of the Stamp Act, 1882, or any enactment for the time being in force relating to the revenue;

(b.) The provisions of the Companies Act, 1893, or any enactment amending or substituted for the same;

(c.) The provisions of any statute not expressly repealed by this Act.

(2.) The rules of the common law including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to contracts of marine insurance.

93. The enactments mentioned in the Second Schedule to this Act are hereby repealed so far as they are in force in Western Australia, and to the extent specified in that schedule.

Repeals.

## Section 31.

## First Schedule.

## RULES FOR CONSTRUCTION OF POLICY.

The following are the rules referred to by this Act for the construction of a policy where the context does not otherwise require:—

1. Where the subject-matter is insured "lost or not lost," and the loss has occurred before the contract is concluded, the risk attaches, unless, at such time the assured was aware of the loss, and the insurer was not.
2. Where the subject-matter is insured "from" a particular place the risk does not attach until the ship starts on the voyage insured.
3. (a.) Where a ship is insured "at and from" a particular place, and she is at that place in good safety when the contract is concluded, the risk attaches immediately.
- (b.) If she be not at that place when the contract is concluded the risk attaches as soon as she arrives there in good safety, and, unless the policy otherwise provides, it is immaterial that she is covered by another policy for a specified time after arrival.
- (c.) Where chartered freight is insured "at and from" a particular place, and the ship is at that place in good safety when the contract is concluded, the risk attaches immediately. If she be not there when the contract is concluded the risk attaches as soon as she arrives there in good safety.
- (d.) Where freight, other than chartered freight is payable without special conditions and is insured "at and from" a particular place, the risk attaches *pro rata* as the goods or merchandise are shipped; provided that if there be cargo in readiness which belongs to the shipowner, or which some other person has contracted with him to ship, the risk attaches as soon as the ship is ready to receive such cargo.
4. Where goods or other moveables are insured "from the loading thereof," the risk does not attach until such goods or moveables are actually on board, and the insurer is not liable for them while in transit from the shore to the ship.
5. Where the risk on goods or other moveables continues until they are "safely landed," they must be landed in the customary manner and within a reasonable time after arrival at the port of discharge, and if they are not so landed the risk ceases.
6. In the absence of any further license or usage, the liberty to touch and stay "at any port or place whatsoever" does not authorise the ship to depart from the course of her voyage from the port of departure to the port of destination.
7. The term "perils of the seas" refers only to fortuitous accidents or casualties of the seas. It does not include the ordinary action of the winds and waves.
8. The term "pirates" includes passengers who mutiny and rioters who attack the ship from the shore.
9. The term "thieves" does not cover clandestine theft or a theft committed by any one of the ship's company, whether crew or passengers.
10. The term "arrests, etc., of kings, princes, and people," refers to political or executive acts, and does not include a loss caused by riot or by ordinary judicial process.

11. The term "barratry" includes every wrongful act wilfully committed by the master or crew to the prejudice of the owner, or as the case may be, the charterer.

12. The term "all other perils" includes only perils similar in kind to the perils specifically mentioned in the policy.

13. The term "average unless general" means a partial loss of the subject-matter insured other than a general average loss, and does not include "particular charges."

14. Where the ship has stranded, the insurer is liable for the excepted losses, although the loss is not attributable to the stranding, provided that when the stranding takes place the risk has attached and, if the policy be on goods, that the damaged goods are on board.

15. The term "ship" includes the hull, materials and outfit, stores and provisions for the officers and crew, and, in the case of vessels engaged in a special trade, the ordinary fittings requisite for the trade, and also, in the case of a steamship, the machinery, boilers and coals and engines stores, if owned by the assured.

16. The term "freight" includes the profit derivable by a shipowner from the employment of his ship to carry his own goods or moveables, as well as freight payable by a third party, but does not include passage money.

17. The term "goods" means goods in the nature of merchandise, and does not include personal effects or provisions and stores for use on board.

In the absence of any usage to the contrary, deck cargo and living animals must be insured specifically, and not under the general denomination of goods.



**Second Schedule.**

---

Section 93.

**ENACTMENTS REPEALED.**

Session and Chapter.	Title or Short Title.	Extent of Repeal.
19 Geo. 2. c. 37.	An Act to regulate insurance on ships belonging to the subjects of Great Britain, and on merchandizes or effects laden thereon.	The whole Act.
28 Geo. 3. c. 56.	An Act to repeal an Act made in the twenty-fifth year of the reign of His present Majesty, intituled "An Act for regulating Insurances on Ships, and on goods, merchandizes, or effects," and for substituting other provisions for the like purpose in lieu thereof.	The whole Act so far as it relates to marine insurance.

---

---

APPENDIX.

---

THE BRANDS ACTS, 1904-1907.

---

---



# WESTERN AUSTRALIA.



ANNO QUARTO

## EDWARDI SEPTIMI REGIS,

XXXVI.

\*\*\*\*\*

No. 61 of 1904.

(As amended by No. 14 of 1907.\*)

### AN ACT to amend the Law relating to the Registration of Brands on Stock.

[Assented to 24th December, 1904.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

#### PART I.—PRELIMINARY.

1. This Act may be cited as the *Brands Act, 1904*, and shall come into operation on the first day of January, one thousand nine hundred and five.

Short title and  
commencement.

2. This Act is divided into parts, as follows:—

Division.

PART I.—PRELIMINARY: ss. 1-5.

PART II.—BRANDS: ss. 6-12.

PART III.—REGISTRATION: ss. 13-22.

PART IV.—TRANSFERS AND CANCELLATION: ss. 23-25.

PART V.—RULES OF BRANDING: ss. 26-28.

PART VI.—INSPECTORS: ss. 29-31.

PART VII.—STRAYING AND UNBRANDED STOCK: ss. 32-38.

PART VIII.—MISCELLANEOUS: ss. 39-54.

3.

\* Assented to 20th December, 1907.

Repeal. First  
Schedule.

3. The Acts mentioned in the First Schedule are hereby repealed.

Interpretation.

4. In the interpretation of this Act, the following terms shall have the meaning set against them respectively, unless the context otherwise indicates:—

“ Brand ”—The permanent impression of any letter, sign, or character branded upon any stock, including any ear-mark, fire-brand, wool brand, and tattoo-mark; but not including any numeral branded under section ten, or a cullmark, or a tag on sheep, or any metal tag affixed to the ear of any sheep;

“ Brand Directory ”—The list of brands compiled by the registrar, and published in the “ Government Gazette ”;

“ Cattle ”—Any bull, cow, ox, heifer, steer, calf, or camel;

“ Cullmark ”—A mark to be prescribed by the registrar, and which may be used on sheep by the registered owner of any brand when culling out such sheep;

“ Horse ”—Any horse, mare, gelding, colt, filly, ass, or mule;

“ Inspector ”—An inspector of brands appointed under this Act;

“ Justice ”—Any justice of the peace;

“ Minister ”—The responsible Minister of the Crown charged with the administration of this Act;

“ Owner ”—The registered owner, jointly or in severalty, of any brand registered under this Act, and the executor or administrator of such owner, or the authorised agent or manager of such owner;

“ Police Officer ”—Any constable or officer of police;

“ Prescribed ”—Prescribed by regulations made under this Act;

“ Proprietor ”—The owner or proprietor, jointly or in severalty, of any stock, or the authorised agent or manager of such proprietor;

“ Register ”—The register kept in pursuance of this Act, containing a list of brands registered hereunder;

“ Registrar ”—The registrar of brands appointed under this Act;

“ Run ”—Any run, station, farm, freehold, leasehold, or place where stock are or have been kept or depastured;

“ Sheep ”—Any ram, ewe, wether, or lamb;

“ Stock ”—Any horse, cattle, or sheep as defined by this Act.

5. All stock branded with a brand registered under any Act hereby repealed shall be deemed to have been duly branded under this Act, and such brand may continue to be used by the registered owner as if registered under this Act until the thirty-first December, one thousand nine hundred and eight, but no longer, except with the permission of the Minister, and shall not be transferable except with such permission.

Saving of existing brands.  
No. 14 of 1907, s. 2.

## PART II.—BRANDS.

6. (1.) Every brand registered under this Act for horses and cattle shall consist of two letters and a numeral, and the arrangement of such letters and numeral shall be fixed and determined by the registrar in such order and positions as he may decide.

Description of brands.  
*Ibid.*, s. 3.

Provided that in the case of horses and cattle belonging to the Government, the broad arrow may be substituted for the numeral.

Provided, also, that any owner of cattle may register and use an earmark with respect to such cattle, in addition to the two letters and a numeral.

(2.) Every brand registered under this Act for sheep shall consist of an earmark, with or without a firebrand, tattoo-mark, or wool-brand.

An earmark shall be made on the near ear for female sheep and on the off ear for male sheep, and not otherwise;

A firebrand shall be burnt on the face or horns;

A tattoo-mark may be on any part of the body not covered with wool.

A wool-brand shall be stamped with pitch, or such other suitable material as may be specified in the certificate of registration, upon some part of the body.

(3.) The position in which a firebrand or wool-brand may be burnt or stamped shall be specified in the certificate of registration, and such brand may be burnt or stamped on such position only.

7. One brand for horses and cattle, with or without an earmark for cattle, and one earmark for sheep, and no more, shall be allowed to each proprietor, unless he is the proprietor of more runs than one, in which case he may be allotted a separate brand and earmark for each run.

One brand one run.  
*Ibid.*, s. 4.

8. Every proprietor possessed of both horses and cattle shall use the same brand for horses and cattle.

Same brand for horses as for cattle.

Size of brand.

9. (1.) Every brand used for horses and cattle shall not be less than one and a-quarter inches in length. Any horse or head of cattle branded with any smaller brand shall be deemed unbranded.

(2.) No earmark on a sheep shall exceed three-quarters of an inch in length or half an inch in width or diameter. Any sheep earmarked, after the commencement of this Act, otherwise than in accordance with this subsection shall be deemed unbranded.

Person first branding may imprint numeral.

10. The person imprinting the first brand upon any horse or head of cattle may imprint any numeral or numerals—

(a) on the cheek to denote age, and

(b) on the neck for reference to any stud or herd book relating to such horse or cattle,

but for no other purpose and in no other position.

No brand to be used unless registered.

11. Except as provided by sections ten and twelve, no person shall—

(1.) Mark, imprint, or use upon stock any brand of which he is not the owner.

(2.) Use upon stock or have in his possession or upon his run any branding iron, pliers, or any other instrument for branding stock by which any brand, other than the brand of which he is the owner, or a cullmark or age mark, may be imprinted or marked upon stock.

Any person acting or permitting any act contrary to this section shall be guilty of an offence against this Act.

Age marks.

No. 14 of 1907, s. 5.

12. (1.) The proprietor of any sheep who is the breeder thereof may earmark the same to denote the year of its birth; such earmark (herein called an age mark) shall be made on the off ear for female sheep and on the near ear for male sheep, and shall be made during or within three months after the expiration of the year to which it relates and not otherwise.

In every sixth year after the year 1905, the off ear, or the near ear, as the case may be, of all sheep lambled during the year shall be left clean, and no mark whatever shall be made thereon.

For sheep lambled every sixth year after the year 1906, and in every sixth year thereafter, the age mark shall consist of one notch on the front of the ear.

For sheep lambled every sixth year after the year 1907, and in every sixth year thereafter, the age mark shall consist of two notches on the front of the ear.

For sheep lambled in the year 1908, and in every sixth year thereafter, the age mark shall consist of three notches on the front of the ear.

For sheep lambled in the year 1909, and in every sixth year thereafter, the age mark shall consist of one notch on the back of the ear.

For sheep lambled in 1910, and in every sixth year thereafter, the age mark shall consist of two notches on the back of the ear.

(2.) Any person who makes any earmark, other than a prescribed cullmark, on the off ear of any female sheep or on the near ear of any male sheep, except as provided by this section, shall be guilty of an offence against this Act.

### PART III.—REGISTRATION.

13. (1.) The Governor may appoint a registrar of brands and one or more deputy registrars. Registrar and deputy registrars.

(2.) Every deputy registrar shall be subject to the control and direction of the registrar, and shall perform such duties as may be prescribed.

14. The registrar shall keep a register, in the form in the Second Schedule, of all brands registered under this Act. Register.  
Second Schedule.

15. Any person requiring a brand shall deliver to the registrar an application in the form in the Third Schedule, accompanied by a fee of seven shillings and sixpence. Mode of obtaining brands.  
Third Schedule.

16. The registrar, if satisfied that the application is in conformity with this Act, may allot to the applicant, in the order in which his application is received, such unallotted brand standing in the register as he may choose, and if he shall make no choice, the first unallotted brand, and shall register such brand to the applicant, and shall also mark upon the said application the brand allotted to such applicant. Registration of brand.

17. An applicant may insert in his application a list of combinations of any two letters and a numeral, any one of which he desires to have allotted to him, and the registrar may allot to such applicant any such combination on such list that is at the time standing unallotted in the register, but if all such combinations contained in such list have been allotted, the registrar may allot to such applicant the first unallotted brand standing in the register. Registrar may register special combinations.

The owner of any brand or earmark registered under any Act hereby repealed shall, as far as practicable, be entitled in priority to any other applicant to be registered under this Act as the owner of



of any brand or earmark, which, in the opinion of the registrar, is the same as or similar to the brand or earmark registered under any repealed Act.

No. 14 of 1907, s. 6.

When any run is partly in Western Australia and partly in South Australia, the registrar may, on such terms and conditions as he may deem expedient, allow the use of any South Australian brand for such run, if such brand is not likely, in his opinion, to cause confusion or mislead.

No brand to be registered which is likely to mislead.

18. No brand shall be registered which, in the opinion of the registrar, is likely to cause confusion or mislead.

If two brands are registered which are, in the opinion of the registrar, likely to cause confusion or mislead, he may, after notice to the owners, cancel the registration of either or both brands.

*Ibid.*, s. 7.

No fee shall be charged on such cancellation or on the application to register a new brand in place of the brand cancelled under this section.

Certificate of registration.  
Fourth Schedule.

19. Upon the registration of any brand, the registrar shall deliver to the applicant a certificate of the registration thereof, in the form in the Fourth Schedule, and shall also publish in the "Government Gazette" a notification that the same has been registered.

Registered brands to be gazetted quarterly.

20. The registrar shall, at the end of every three months, publish in the "Government Gazette" a statement in the prescribed form of every brand registered and of every brand the registration of which has been cancelled during such period of three months.

Registrar to publish brand directory yearly.

21. The registrar shall, as soon as possible after the thirty-first day of December in each year, cause a brand directory, containing all the brands registered or cancelled up to that date, to be compiled, and published in the "Government Gazette."

Registrar to transmit copies to inspectors, etc.

22. The registrar shall forthwith, after each publication of a statement and directory, send copies thereof to each inspector, clerk of petty sessions, keeper of a public pound, and deputy registrar in the State.

#### PART IV.—TRANSFERS AND CANCELLATION.

Memorandum of transfer.

Fifth Schedule.

23. (1.) Any owner wishing to transfer the right to a registered brand, and the person to whom the right is intended to be transferred, shall make and sign, in the presence of a justice, a memorandum in the form in the Fifth Schedule, and shall transmit the same to the registrar, together with the fee of two shillings and sixpence.

(2.) The registrar shall thereupon cancel the original registration of such brand, and register the brand mentioned in such memorandum in the name of the transferee, and such transferee shall thereafter be deemed to be the person having the exclusive right to use such brand.

(3.) The fact that any horse or head of cattle is branded with any registered brand shall be *prima facie* evidence that such horse or head of cattle belongs to the owner of the brand which has, according to the order hereinafter provided, been last imprinted thereon.

(4.) The owner for the time being of any brand shall be the only person entitled to use the same.

24. (1.) The registrar may, on an application in the form in the Sixth Schedule, and on payment of the fee of two shillings and sixpence, cancel the registration of any brand—

Registrar may cancel brand.  
Sixth Schedule.

- (a.) Which is proved to the satisfaction of the registrar to have ceased to be used by the owner thereof; or
- (b.) The owner of which desires it to be cancelled; or
- (c.) The owner of which has died, or left Western Australia, without possessing any stock for which such brand might be required.

(2.) The registrar may require any such application to be advertised in one or more newspapers, by and at the expense of the applicant, for such period and in such manner as the registrar may direct.

25. The registrar shall keep a book in which all such transfers and cancellations shall be recorded, and he shall notify the same, as they occur, in the "Government Gazette."

Registrar to keep transfer book.

#### PART V.—RULES OF BRANDING.

26. (1.) Brands for cattle and horses shall be imprinted on such cattle or horses in the following manner, namely:—

Order of imprinting brands.

- (a.) Every brand shall be imprinted on the portion and in the consecutive order allotted and indicated in the Seventh Schedule.
- (b.) The person imprinting the first brand upon any horse or head of cattle shall brand upon the first portion.
- (c.) The next brand shall, where there is space sufficient for that purpose, be imprinted on the same portion as, and at a distance of not less than one and a-half inches nor more than two and a-half inches from and directly underneath the first brand; but where there

Seventh Schedule.

there is not space sufficient for a second brand on the said portion, then, but not otherwise, such brand shall be imprinted on the portion next in order to the said first-mentioned portion, and so on until all the portions are used in the consecutive order aforesaid.

- (d.) The available space on one portion shall be used before any brand is imprinted upon the next portion, but no more than two brands shall be on any one portion.

(2.) All horses and cattle shall be deemed to be branded with the registered brand which appears to be the last brand upon such stock, according to the order hereinbefore prescribed.

Earmarks to be made by punch or pliers only.

No. 14 of 1907, s. 8.

27. All earmarks shall be made by a punch or pliers only, and not otherwise; and no ear or any part thereof shall be removed, cropped, cut, sliced, or split by means of any other instrument than a punch or pliers used to make a registered earmark or a cullmark or an age mark.

Penalty.

28. Any person failing to comply with or offending against any of the provisions of either of the two last preceding sections shall be guilty of an offence against this Act.

#### PART VI.—INSPECTORS.

Appointment of inspectors.

29. The Governor may appoint inspectors of brands, who shall perform such duties as may be prescribed.

Power of inspectors to enter on runs and other property.

30. Every inspector may—

- (1.) Enter upon any part of any run and search for and inspect any stock, branding iron, or any other instrument for branding stock;
- (2.) Seize and destroy any branding iron or instrument for branding stock other than that authorised by this Act;
- (3.) Seize, remove, and impound all unbranded stock found on any run, unless the owner of such run or his manager, by writing delivered to the inspector, setting forth a description of such unbranded stock and the reason why the same are unbranded, shall, before such stock are removed, claim such stock as proprietor thereof; and
- (4.) Employ any person to assist him in carrying out the provisions of this Act.

Penalty for interfering with inspector.

31. Any person who—

(a)

- (a) hinders or impedes, or attempts to hinder or impede, an inspector in the execution of his duty; or
  - (b) refuses, on demand, to produce to an inspector for inspection all branding irons, or instruments for branding used or being on any run; or
  - (c) refuses to permit an inspector to inspect any stock, or branding iron, or instrument for branding,
- shall be guilty of an offence against this Act.

#### PART VII.—STRAYING AND UNBRANDED STOCK.

32. Any person having reason to believe that any stock of which he is proprietor are on the run of another person may (whenever the proprietor or occupier of such run refuses permission to such person to search for the same) apply to a justice, who, after notice given to such proprietor or occupier (if any), may grant or refuse a permission to hunt and collect such stray stock on such run, upon such conditions as to such justice seem expedient.

Justice may grant permit to hunt for stock.

Such permission shall be in writing, signed by the justice, and shall specify such conditions as are imposed, and, subject to such conditions, shall authorise the person therein mentioned, with necessary assistants and horses, to enter and search on such run and collect and remove all branded stock thereon of which he may be the proprietor.

33. All unbranded stock found depasturing on unenclosed land may be impounded by any justice, inspector, or police officer.

Unbranded stock may be impounded.

34. (1.) Any inspector impounding stock under section thirty, and any person impounding stock under section thirty-three, may collect such stock and drive and lodge the same in any public pound, or if there is no public pound within three miles of the place where such stock have been collected, then in any private stockyard or other enclosure, with the consent of the owner thereof, and there detain them until disposed of under the provisions of this Act.

Authorised persons driving in unbranded cattle may lodge them in public pound or private enclosure.

(2.) The Cattle Trespass, Fencing, and Impounding Act, 1882, shall, subject to this Act, apply to all stock so impounded in a public pound.

(3.) The net proceeds of the sale of any stock so impounded in a public pound shall, after payment of the fees and charges of the poundkeeper, be paid into and form part of the Consolidated Revenue.

35. (1.) Any person so impounding any stock in a private stockyard or other enclosure shall, within forty-eight hours after such impounding, furnish a justice with a written statement of the

Duties of persons impounding stock in private yard.

number

number and description of the stock impounded, and of the locality in which they were found, and shall treat such stock with all reasonable food and care.

(2.) The justice shall sell or order the sale of the stock, and direct notices thereof to be posted or advertised in such places and manner as he thinks best.

(3.) The person impounding shall receive out of the net proceeds of the sale such fee or charge per head as the justice selling or ordering the sale deems reasonable as compensation for such food and care, not exceeding the amount which is by law chargeable by the keeper of the nearest public pound for feeding and maintaining beasts impounded therein, and the balance shall be paid into and form part of the Consolidated Revenue.

Access to be afforded to stock impounded in private enclosures.

36. Whenever stock are impounded in any private stockyard or other enclosure, the person impounding shall afford access at all reasonable hours to all persons wishing to inspect such stock, and shall also post a written notice on the gate, or on some other conspicuous part of the stockyard or enclosure, setting forth a description of the stock impounded, and stating the day on which the same were impounded, and the locality from which they were driven, and such notice shall remain so posted until such stock have been disposed of under the provisions of this Act.

Every person who neglects to furnish such written statement as aforesaid shall be guilty of an offence against this Act.

Property protected if proof of proprietorship given.

37. If at any time prior to the sale of any impounded stock any person proves to the satisfaction of a justice the right of property of such person in any of the said stock, such stock shall, without prejudice to the rights of any person possessing an interest therein, be given up, upon the order of such justice, and upon payment of the expenses of the food and keep of such stock ascertained as aforesaid.

Such expenses, if the stock are impounded in a private stockyard or enclosure, shall be paid to the person who collected and impounded the stock.

Impounded stock may be sold.

38. (1.) All stock impounded in a private stockyard or other enclosure may be sold, without an auctioneer's license, on or after the twelfth day after the day on which the written statement in respect thereof has been given to a justice as aforesaid, unless such twelfth day happens to fall on a Sunday, Christmas Day, or Good Friday, in which case such sale shall take place on the following day, and unless the sale is suspended by the order of a justice, in which case the sale shall take place upon the day appointed anew by the said justice.

(2.) Every sale shall take place at the police station nearest to the private stockyard or enclosure where such stock have been impounded, or at such other place as the justice ordering the sale shall direct, in the presence of a police officer, who shall keep a register describing the marks and particulars of all stock so sold, which register shall be open to public inspection at all reasonable times.

Time, place, and manner of sale.

(3.) Every sale shall commence at the hour of noon, and the stock shall be offered in lots to suit purchasers, and neither the person who impounded the stock, nor the justice who made the order for the sale, nor the person who actually makes the sale shall, personally or by agent, purchase any of such stock, and any person so offending shall be guilty of an offence against this Act.

(4.) The purchaser of any stock at such sale shall, within one month from the sale, brand the stock with his registered brand, or, in the event of his not owning a registered brand, shall forthwith apply for the registration of a brand, and then brand such stock within the time aforesaid.

Purchaser of impounded stock to brand.

#### PART VIII.—MISCELLANEOUS.

39. (1.) The registrar and every deputy registrar, inspector, clerk of petty sessions, and poundkeeper shall keep copies of—

Registrar and others to keep copy of directory and gazettes open to inspection.

- (a) the latest edition of the brand directory;
- (b) the "Government Gazette" containing the quarterly statement of registered brands not included in such directory;
- (c) every "Government Gazette" containing a notification under sections nineteen or twenty-five not included in any such statements; and
- (d) all regulations under this Act;

and shall permit any person to inspect such documents at all reasonable hours.

(2.) Every deputy registrar, inspector, clerk of petty sessions, or poundkeeper who fails to comply with any of the requirements of this section shall be guilty of an offence against this Act.

40. When any stock are impounded in a public pound, the poundkeeper shall forthwith—

When stock impounded, notice to be given to owner.

- (a) send notice thereof to the owner of the brands which appear on such stock, and when the poundkeeper has any reason to suppose that such stock belong to a person other than the owner of any of the said brands, the poundkeeper shall also send notice of the impounding to the supposed owner of such stock; and

(b) Digitized by Google

- (b) send a description of the impounded stock, together with their brands and earmarks, to the registrar, who shall forthwith publish the same in the "Government Gazette" and in a newspaper circulating within the district;
- (c) post a description of the impounded stock, together with their brands and earmarks, at the nearest police station.

Every poundkeeper who neglects or delays to send any such notice or description shall be guilty of an offence against this Act.

Distinguishing  
brand to be used by  
each public pound.

41. (1.) The registrar shall allot to each public pound throughout the State a brand for such public pound, and shall register the same accordingly.

Poundkeeper to  
brand with pound  
brand.

(2.) The keeper of a public pound shall, on the sale of any horses or cattle impounded therein, brand them with such brand on the portions and in the order prescribed by this Act, in such manner as to show that the brand is the last brand at that time imprinted on such horses or cattle.

Penalty.

(3.) Any poundkeeper who fails to comply with the provisions of this section shall be guilty of an offence against this Act.

Penalty for brand-  
ing stock not pro-  
perty of brander.

42. Any person who—

- (a) brands any stock with a registered brand without the authority of the owner thereof; or
- (b) brands any stock with any brand which has not been registered under this Act, except as provided by section five; or
- (c) brands any stock of which he is not proprietor with his registered brand; or
- (d) brands any horse or head of cattle with any numeral, except as provided by section ten; or
- (e) brands any numeral brand except as provided by section ten, or brands any horse or head of cattle not in accordance with the provisions of section twenty-six; or
- (f) blotches, defaces, or otherwise renders illegible, or alters any brand upon stock, or any numeral brand on any horse or head of cattle, or any cullmark or age mark; or
- (g) marks any stock on the ear or mutilates, crops, slices, or in any other manner cuts the ear of any stock, except as provided by this Act; or
- (h) makes any claim under section thirty to any stock of which he is not the proprietor; or

(i) causes, directs, or assists in, or permits or suffers any such matter or thing as aforesaid, shall be guilty of an offence against this Act.

43. (1.) Any stock bearing a brand or numeral brand which has been altered, blotched, defaced, or rendered illegible, and all sheep and cattle of which either ear has been branded, marked, sliced, cut, or cropped contrary to this Act shall be deemed to be unbranded.

Stock on which brand has been altered or blotched to be deemed unbranded.

No. 14 of 1907, s. 9.

(2.) All sheep above the age of six months, upon which the registered wool-brand is not renewed from time to time and kept visible and legible, shall not be deemed branded with such wool-brand.

44. Every person having any unbranded stock in his custody or possession, or on any run of which he is owner, occupier, or in charge, shall, unless he claims the same by notice under section thirty, subsection (3), be guilty of an offence against this Act, in respect of every such head of stock.

Offence of having unbranded stock in possession.

45. No cattle under the age of eighteen months, and no horse under the age of eighteen months, shall be deemed unbranded.

Unbranded cattle.

46. (1.) The owner of any brand may transfer to the mortgagee of any stock of which such owner is the proprietor the right to use, sell, and transfer such brand, upon such terms and conditions as are set forth in the deed or instrument of mortgage. Notice of such deed or instrument shall be given to the registrar and entered in the register, and no transfer of or other dealing with such brand shall be registered before the withdrawal or cancellation of such notice without the consent of the mortgagee.

Owner may mortgage brand.

(2.) The mortgagee under any such mortgage may execute a transfer of the brand or brands referred to in the mortgage, and the registration of such transfer shall, for all purposes and as against all persons (except between the owner and mortgagee), be conclusive as to the right of the mortgagee to effect such transfer.

47. A copy of the "Government Gazette" containing a statement of the registration, transfer, or cancellation of any brand shall, in any action, suit, prosecution, or trial be received as *prima facie* evidence of such registration, transfer, or cancellation.

Published statements to be received as *prima facie*.

48. For the purposes of any prosecution or action under or independently of this Act, any registered brand upon any stock shall be *prima facie* evidence of the ownership of such brand, and the proprietorship of the stock on which the last such brand is imprinted, and, in the case of horses and cattle, according to the order hereinbefore prescribed.

Brand *prima facie* evidence.



Brand to be *prima facie* evidence in case of cattle stealing.

49. On the trial of any person charged with horse or cattle stealing, it shall be competent for the Attorney General or other officer prosecuting on behalf of the Crown to prove that the brand appearing upon the animals alleged to have been stolen is the brand of the person charged in the information to be the proprietor, or of some person through whom such alleged proprietor claims, and such proof shall be *prima facie* evidence of proprietorship.

Mode of prosecuting offences against this Act.

No. 14 of 1907, s. 10.

50. A person guilty of an offence against this Act shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or to imprisonment with or without hard labour for a period not exceeding six months.

Justices' discretion to send summary cases for trial.

51. If the justices before whom any person is brought for an offence punishable under this Act are of opinion that there ought to be a prosecution for an indictable offence, they may abstain from dealing with the case summarily, and commit the defendant to take his trial for the indictable offence.

Districts.

52. The Minister may, by order published in the "Government Gazette," divide the State into two or more districts for the purposes of this Act, so far as it relates to the branding of sheep, and thereupon the registrar may register any brand for use by the owner thereof exclusively in any such district.

In any case the following provisions shall apply:—

- (1.) The certificate of registration of any brand and the Brands Register and Brands Directory shall indicate the district in which a brand may be used by the owner thereof.
- (2.) Any owner using a brand upon any sheep outside the district within which such brand may be used shall be guilty of an offence against this Act.
- (3.) The registrar may refuse to register any brand for use in any district where in his opinion such brand is likely to cause confusion or mislead by reason of a similar brand being registered for use in an adjoining district.

Regulations.

53. The Minister may make regulations dealing with—

- (1.) Applications for and registration of brands.
- (2.) Transfers and cancellations of brands.
- (3.) The manner and form of books to be kept by the registrar.
- (4.) The manner of selling impounded stock.

(5.)

- 
- (5.) The duties of all officers and the management of all offices appointed or established under this Act or any Act hereby repealed.
  - (6.) The form and contents of notices of mortgages under section forty-six, and the manner of withdrawing or cancelling such notices.
  - (7.) All other matters necessary for the carrying out of this Act.

54. Sections E, F, G, and H of the Interpretation Act, 1898 shall be incorporated with this Act. Interpretation Act,  
1898.

## Section 3.

**First Schedule.****REPEALS.**

No. and Year.	Title.
45 Vict., No. 7 ...	The Brands Act, 1881.
46 Vict., No. 18 ...	The Brands Act, 1881, Amendment Act, 1882.
49 Vict., No. 3 ...	The Brands Act, 1881, Amendment Act, 1885.

## Section 14.

**Second Schedule.****THE BRANDS ACT, 1904.***Brands Register.*

Brand Registered and Number.		Date of Registration.	Former Brand.			Owner.		
Cattle and Horses.	Sheep.		Horses.	Cattle.	Sheep.	Name.	Run or farm where Brand used.	Post address of Run or Farm.

## Section 15.

**Third Schedule.****THE BRANDS ACT, 1904.***Application for Brand for Horses and Cattle.*

Date

To the Registrar of Brands.

SIR,

I (*or we*) enclose herewith the fee of Seven shillings and sixpence, and request that you will allot and register a brand to me (*or us*) for the run or farm mentioned in the Schedule below.

**SCHEDULE ABOVE REFERRED TO.**

Name of Applicant.	Run or Farm on which the Brand is to be used.	Post address of Farm or Run.	Horses.	Cattle.
			Former Brand (to be described in writing as well as by diagram).	Former Brand (to be described in writing as well as by diagram).

Dated this                      day of                      , 190 .

(Signature of Applicant.)

A list of combinations of two letters and a numeral is here appended, and I (*or we*) request that you will allot to me (*or us*) a brand containing the first available combination in the consecutive order of such list standing unallotted in the register.

*Application for Brand for Sheep.*

Section 15.

To the Registrar of Brands.

SIR,

I (*or we*) enclose, herewith, the fee of Seven shillings and sixpence, and request that you will allot and register to me (*or us*) a brand as shown in the Schedule underwritten.

Name of applicant.	Description and position of brand.	Whether of pitch or what material.	Name and address of run.

Dated the                      day of                      , 190 .

(*Signature of Applicant.*)

NOTE.—In the second column the applicant must describe the earmark he requires, and also what (if any) other brands he requires, such as firebrand, wool-brand, or tattoo-mark, and give details of each. If the applicant is already the registered owner of any sheep brand, he should state the fact and describe the brand.

*Application for Earmark for Cattle.*

No. 14 of 1907, s. 11.

To the Registrar of Brands.

SIR,

I (*or we*) enclose herewith the fee of Seven shillings and sixpence, and request that you will allot and register to me (*or us*) an earmark for cattle as shown in the Schedule hereunder written.

Name of applicant.	Description of Earmark for Cattle.	Name and Address of Run.

Dated the                      day of                      , 190 .

(*Signature of Applicant.*)

Fourth Schedule.

No.

Section 19.

THE BRANDS ACT, 1904.

*Certificate of Registration.*

Date

THIS is to certify that the brand mentioned in the margin hereof was this day duly registered as the brand No.                      , of (*name of owner*), in terms of the above-named Act, in respect of (*cattle, sheep, or otherwise, as case may be*). Such brand

brand is for use in connection with the run known as  
and not otherwise.

Registrar.

NOTE.—This certificate must be adapted to the circumstances as above indicated.

Section 23.

**Fifth Schedule.**

THE BRANDS ACT, 1904.

*Memorandum of Transfer.*

To the Registrar of Brands.

I (or we) [*names in full*], being the registered owner of the brand (No. ) mentioned in the margin hereof, having transferred the same to  
, do hereby request that you will make the necessary transfer to  
of such brand in your register, and enclose herewith the sum  
of Two shillings and sixpence as the authorised fees of such transfer.

Witness

J.P.

(*Signature of Owner*).

(*Signature of Transferee*).

Section 24.

**Sixth Schedule.**

THE BRANDS ACT, 1904.

*Application for Cancellation of Brand.*

To the Registrar.

I enclose herewith the prescribed fee of Two shillings and sixpence, and request that you will cancel the brand hereunder written, on the grounds that

[*Here insert grounds of cancellation.*]

Name of applicant for cancellation.	Brand to be cancelled.	Run or Farm on which Brand was used.	Name of Owner of Brand.

(*Applicant's Signature.*)

Section 25.

**Seventh Schedule.**

*Portion and Order of Brand on Horses.*

First portion—"Near shoulder."

Second ditto—"Off shoulder."

Third ditto—"Near ribs."

Fourth ditto—"Off ribs."

Fifth ditto—"Near quarter."

Sixth ditto—"Off quarter."

*Portion and Order of Brand on Cattle.*

First portion—"Near rump" or "Near cheek."

Second ditto—"Off rump" or "Off cheek."

Third ditto—"Near shoulder."

Fourth ditto—"Off shoulder."

The second or any subsequent portion shall not be used unless the available space on the preceding portion has been used.





---

TABLE OF  
STATUTES OF WESTERN AUSTRALIA  
IN FORCE

AT THE END OF THE FOURTH SESSION OF THE SIXTH PARLIAMENT—20TH DECEMBER, 1907.

---





# TABLE OF STATUTES OF WESTERN AUSTRALIA IN FORCE

*At the end of the Fourth Session of the Sixth Parliament—20th December, 1907.*

ABORIGINES	...	...	...	...	No. 14	1905
ACCIDENT, Compensation to Families of Persons killed by	...	...	...	...	64 Vict., 37	1900
ACCLIMATISATION GARDENS	...	...	...	...	62 Vict., 32	1898
ACKNOWLEDGMENTS of Deeds by Married Women	...	...	...	...	2 Will. IV., 7	1832
	...	...	...	...	19 Vict., 3	1856
	...	...	...	...	35 Vict., 3	1871
ACTS OF PARLIAMENT, Compilation	...	...	...	...	No. 15	1905
ADMINISTRATION	...	...	...	...	No. 13	1903
ADOPTION OF CHILDREN	...	...	...	...	60 Vict., 6	1896
ADULTERATION OF FOOD AND DRUGS (See "Health").						
AFFIDAVITS						
Commissioners for taking	...	...	...	...	35 Vict., 3	1871
Clerks of Petty Sessions, Mining Registrars, etc.	...	...	...	...	60 Vict., 30	1896
AGENT GENERAL.—Appointment and Tenure of Office	...	...	...	...	59 Vict., 7	1895
AGRICULTURAL BANK	...	...	...	...	No. 15	1906
Amendment	...	...	...	...	No. 12	1907
AGRICULTURAL LANDS PURCHASE	...	...	...	...	60 Vict., 26	1896
Amendments	...	...	...	...	61 Vict., 34	1897
	...	...	...	...	62 Vict., 20	1898
	...	...	...	...	No. 10	1904
ALBANY Mechanics' Institute	...	...	...	...	48 Vict., 17	1884
ALIENS (see "Naturalisation," "Imported Labour").						
ANALYSTS	...	...	...	...	61 Vict., 25	1897
ANNUITIES (see "Pensions").						
APPORTIONMENT of Periodical Payments	...	...	...	...	54 Vict., 8	1891
APPRENTICESHIP	...	...	...	...	37 Vict., 12	1873
Juvenile Immigrants	...	...	...	...	6 Vict., 8	1842
Amendments	...	...	...	...	7 Vict., 11	1844
	...	...	...	...	12 Vict., 16	1849
	...	...	...	...	37 Vict., 12	1873

ARBITRATION	...	...	...	...	59 Vict., 13	1895
ARBITRATION (INDUSTRIAL DISPUTES)	...	...	...	...	1 & 2 Edwd. VII., 21	1902
ASSISTED SCHOOLS—Abolition of	...	...	...	...	59 Vict., 27	1895
ASSOCIATIONS INCORPORATION	...	...	...	...	59 Vict., 20	1895
ASSURANCE, LIFE	...	...	...	...	53 Vict., 12	1889
Amendment	...	...	...	...	No. 12	1905
ATTACHMENT	...	...	...	...	*6 Will. IV., 3	1836
	...	...	...	...	6 Vict., 4	1842
AUCTIONEERS	...	...	...	...	37 Vict., 3	1873
Amendments	...	...	...	...	44 Vict., 19	1881
	...	...	...	...	61 Vict., 11	1897
AUDIT	...	...	...	...	No. 12	1904
BANKS AND BANKING	...	...	...	...	8 Will. IV., 1	1837
Amendments	...	...	...	...	No. 24	1905
Agricultural	...	...	...	...	No. 15	1906
	...	...	...	...	No. 12	1907
Defacement of Bank Notes	...	...	...	...	63 Vict., 46	1899
Public Depositors' Relief	...	...	...	...	57 Vict., 7	1893
Recovery between Shareholders	...	...	...	...	12 Vict., 17	1849
Restricting Values of Bank Notes	...	...	...	...	4 Vict., 5	1840
BANK HOLIDAYS	...	...	...	...	48 Vict., 9	1884
Amendments	...	...	...	...	52 Vict., 3	1888
	...	...	...	...	63 Vict., 40	1899
BANKRUPTCY	...	...	...	...	55 Vict., 32	1892
Amendment	...	...	...	...	62 Vict., 15	1898
BARRISTERS (see "Legal Practitioners").						
BASTARDY	...	...	...	...	39 Vict., 8	1875
Amendment	...	...	...	...	60 Vict., 35	1896
BEER DUTY	...	...	...	...	62 Vict., 4	1898
Amendment	...	...	...	...	63 Vict., 41	1899
See 1 Edwd. VII., No. 7 (Commonwealth).						
BEEES	...	...	...	...	63 Vict., 10	1899
BETTING	...	...	...	...	56 Vict., 10	1893
	...	...	...	...	62 Vict., 21	1898
See Criminal Code.						
BILLS OF EXCHANGE	...	...	...	...	48 Vict., 10	1884
Amendment	...	...	...	...	No. 54	1904
BILLS OF LADING	...	...	...	...	18 & 19 Vict., c. 111, as adopted by 20 Vict., 7	1856
BILLS OF SALE	...	...	...	...	63 Vict., 45	1899
Amendment	...	...	...	...	64 Vict., 28	1900
	...	...	...	...	No. 17	1905
	...	...	...	...	No. 13	1906
BIRTHS, DEATHS, AND MARRIAGES						
Registration	...	...	...	...	58 Vict., 16	1894
Amendment	...	...	...	...	64 Vict., 31	1900
	...	...	...	...	No. 19	1907
BOATS—Licensing of	...	...	...	...	42 Vict., 24	1878
Amendments	...	...	...	...	47 Vict., 3	1883
	...	...	...	...	50 Vict., 11	1886
	...	...	...	...	52 Vict., 9	1888
	...	...	...	...	2 Edwd. VII., 17	1902
	...	...	...	...	No. 33	1906
BOILERS, STEAM (see "Inspection of Machinery")	...	...	...	...	No. 53	1904

\* For 6 Will. IV., 3, and 6 Vict., 4, see Appendix to Volume of Statutes for 1897.

BOULDER LOCAL BOARD OF HEALTH, VALIDATION OF RATES	...	64 Vict., 49	1900
BOUNDARIES			
Alignment of Streets in Town	...	8 Vict., 8	1844
Alignment of Streets (amendment)	...	16 Vict., 16	1853
of any Lands (Error in Crown Grant)	...	48 Vict., 13	1884
of Crown Lands	...	4 & 5 Vict., 20	1841
of Town Lands	...	8 Vict., 9	1844
BRANDS	...	No. 61	1904
Amendment	...	No. 14	1907
Consolidation	...	Page 301	1907
BREAD	...	No. 5	1903
Amendment	...	No. 16	1906
BROKERS, Employment	...	61 Vict., 24	1897
BUILDINGS (see "Municipal Corporations")	...	No. 32	1906
BUILDING SOCIETIES	...	27 Vict., 7	1863
BURIAL GROUNDS (see "Cemeteries")	...	4 Vict., 6	1840
BUSH FIRES	...	1 & 2 Edwd. VII., 18	1902
Amendment	...	No. 36	1904
BUTTERINE	...	51 Vict., 8	1887
CART AND CARRIAGE LICENSES	...	40 Vict., 5	1876
CATTLE DISEASES (see "Stock").			
CEMETERIES	...	61 Vict., 23	1897
Amendments	...	62 Vict., 25	1898
	...	63 Vict., 38	1899
	...	2 Edwd. VII., 42	1902
CENSUS	...	54 Vict., 7	1891
CHEMISTS, Registration of	...	58 Vict., 35	1894
CHILDREN, Adoption of	...	60 Vict., 6	1896
CHINESE (see "Imported Labour").			
CHURCH OF ENGLAND			
Synod	...	49 Vict., 19	1885
Amendment (Diocesan Trustees)	...	52 Vict., 2	1888
And see "Religious Bodies."			
CIRCUIT COURTS	...	61 Vict., 28	1897
	...	No. 10	1903
CIVIL SERVICE (see "Public Service").			
CLOSURE OF STREETS OR ROADS (see "Streets").			
CLUBS, Licensed	...	57 Vict., 25	1893
COAL MINES	...	1 & 2 Edwd. VII., 25	1902
Amendment	...	No. 53	1904
COASTING VESSELS			
Anchorage	...	34 Vict., 22	1871
Colonial Passengers	...	60 Vict., 25	1896
COLLECTORS OF MARINE STORES	...	2 Edwd. VII., 9	1902
COLLIE AND ESPERANCE RATES	...	No. 2	1906
COMMISSIONERS, Powers of Royal	...	1 & 2 Edwd. VII., 28	1902
COMMONWEALTH, Members of Federal Parliament	...	64 Vict., 5	1900
	...	64 Vict., 6	1900
of Australia Constitution Act, Imperial (see end of the Volume for 1900).			
COMPANIES	...	56 Vict., 8	1893
Amendments	...	60 Vict., 2	1896
Local Register of Foreign	...	61 Vict., 35	1897
	...	62 Vict., 28	1898
	...	63 Vict., 54	1899

COMPANIES (*continued*)—

Amendment	...	...	...	...	2 Edwd. VII., 19	1902
Banking	...	...	...	...	8 Will. IV., 1	1837
Amendment	...	...	...	...	No. 24	1905
(Recovery between Shareholders)	...	...	...	...	12 Vict., 17	1849
Dividend Duties...	...	...	...	...	63 Vict., 6	1899
	...	...	...	...	2 Edwd. VII., 32	1902
	...	...	...	...	No. 9	1903
	...	...	...	...	No. 30	1906
Life Assurance	...	...	...	...	53 Vict., 12	1889
Amendment	...	...	...	...	No. 12	1905
False Statements by Officials	...	...	...	...	No. 31	1906
COMPENSATION TO FAMILIES OF PERSONS KILLED BY ACCIDENTS	...	...	...	...	64 Vict., 37	1900
COMPENSATION, Workers	...	...	...	...	1 & 2 Edwd. VII., 5	1902
COMPILATION OF ACTS	...	...	...	...	No. 15	1905
CONCILIATION (Industrial Disputes)	...	...	...	...	1 & 2 Edwd. VII., 21	1902
CONSPIRACY AND PROTECTION OF PROPERTY	...	...	...	...	64 Vict., 19	1900
CONSTITUTION ACT	...	...	...	...	52 Vict., 23	1889
Amendments	...	...	...	...	63 Vict., 19	1899
	...	...	...	...	64 Vict., 5	1900
	...	...	...	...	No. 20	1904
	...	...	...	...	No. 14	1905
Federal	...	...	...	...	63 Vict., 55	1900
CONVEYANCE (see "Real Property").						
COOLGARDIE GOLDFIELDS WATER SUPPLY						
Construction	...	...	...	...	62 Vict., 19	1898
Loan Act	...	...	...	...	60 Vict., 12	1896
Re-allocation	...	...	...	...	1 & 2 Edwd. VII., 11	1902
(see "Goldfields Water Supply").						
COOLGARDIE MINING EXHIBITION, Revesting Land	...	...	...	...	64 Vict., 40	1900
COOLGARDIE MUNICIPALITY, Validating General Rate	...	...	...	...	62 Vict., 31	1898
CO-OPERATIVE AND PROVIDENT SOCIETIES	...	...	...	...	No. 2	1903
COPYRIGHT...	...	...	...	...	59 Vict., 24	1895
CORONERS' INQUESTS	...	...	...	...	19 Vict., 10	1856
Accidents in Mines, see	...	...	...	...	No. 36	1906
	...	...	...	...	1 & 2 Edwd. VII., 25	1902
Amendment	...	...	...	...	27 Vict., 1	1863
and see	...	...	...	...	2 Edwd. VII., 42	1902
Fires	...	...	...	...	51 Vict., 14	1887
Power to hold, in Public Houses	...	...	...	...	44 Vict., 9	1880
COURT OF APPEAL	...	...	...	...	50 Vict., 28	1886
Majority of Court to prevail	...	...	...	...	53 Vict., 15	1889
CRIMINAL CODE	...	...	...	...	1 & 2 Edwd. VII., 14	1902
Amendments	...	...	...	...	2 Edwd. VII., 29	1902
	...	...	...	...	No. 31	1906
CRIMINAL LAW						
Aboriginal Offenders	...	...	...	...	1 & 2 Edwd. VII., 14	1902
	...	...	...	...	2 Edwd. VII., 29	1902
Appeal						
Question of law reserved	...	...	...	...	50 Vict., 28	1886
Amendment	...	...	...	...	57 Vict., 8	1893
Attorney General as Grand Jury	...	...	...	...	47 Vict., 6	1883
Code	...	...	...	...	1 & 2 Edwd. VII., 14	1902
Amendment	...	...	...	...	2 Edwd. VII., 29	1902
	...	...	...	...	No. 31	1906
Evidence	...	...	...	...	No. 28	1906

CRIMINAL LAW (*continued*)—

Fugitive Offenders	...	...	...	...	41 Vict., 1	1877	
Australasian	...	...	...	...	14 Vict., 18	1851	
Federal Reference	...	...	...	...	50 Vict., 29	1886	
...	...	...	...	...	56 Vict., 12	1893	
Libel of Members of Parliament	...	...	...	...	54 Vict., 4	1891	
Naval and Victualling Stores	...	...	...	...	31 Vict., 6	1867	
Police Supervision	...	...	...	...	62 Vict., 13	1898	
Transportation abolished	...	7 Will. IV. and 1 Vict., c. 90, as adopted by	...	...	2 Vict., 1	1839	
Treason Felony	...	33 & 34 Vict., c. 23, as adopted by	...	37 Vict., No. 8	1873		
Witnesses' Expenses	...	...	...	...	37 Vict., 4	1873	
<b>CROWN</b>							
Lessees' Arbitration	...	...	...	...	51 Vict., 27	1887	
...	...	...	...	...	52 Vict., 19	1888	
Petition of Right (see "Crown Suits").	...	...	...	...	...	...	
Resumption of Lands by	...	...	...	...	2 Edwd. VII., 47	1902	
Resumption of Lands within Towns (and see "Streets")	...	...	...	...	17 Vict., 6	1854	
Revenue (Escheat)	...	...	...	...	31 Vict., 2	1867	
Revesting Land in	...	...	...	...	No. 4	1907	
CROWN DEBTS: 2 & 3 Vict., c. 11, and 18 & 19 Vict., c. 15, as adopted by	...	...	...	...	31 Vict., 8	1867	
Amendment	...	...	...	...	34 Vict., 21	1871	
...	...	...	...	...	62 Vict., 9	1898	
<b>CROWN LANDS (see "Land Act").</b>							
Alienation of	...	...	...	...	19 Vict., 5	1856	
Boundaries of	...	...	...	...	4 & 5 Vict., 20	1841	
Amendment	...	...	...	...	48 Vict., 13	1884	
Sale, Occupation, and Management	...	...	...	...	62 Vict., 37	1898	
...	...	...	...	...	No. 29	1906	
Water Reserves	...	...	...	...	57 Vict., 20	1893	
CROWN SUITS	...	...	...	...	62 Vict., 9	1898	
CUE ROAD BOARD, Validation of Rates	...	...	...	...	No. 28	1907	
<b>CUSTOMS</b>							
...	...	...	...	...	55 Vict., 31	1892	
Amendment	...	...	...	...	59 Vict., 8	1895	
(and see "Tariff")	...	...	...	...	62 Vict., 5	1898	
...	...	...	...	...	63 Vict., 13	1899	
subject to Commonwealth Constitution Act	...	...	...	...	64 Vict., 14	1900	
...	...	...	...	...	1 Edwd. VII., 3	1901	
Officers of, in relation to costs of Survey and Merchantmen	...	...	...	...	41 Vict., 14	1877	
DAY DAWN RATES VALIDATION	...	...	...	...	No. 28	1904	
DEALERS IN MARINE STORES	...	...	...	...	2 Edwd. VII., 9	1902	
DEATH DUTIES	...	...	...	...	No. 13	1903	
DEATHS, Registration of	...	...	...	...	58 Vict., 16	1894	
Amendment	...	...	...	...	64 Vict., 31	1900	
...	...	...	...	...	No. 19	1907	
DEBT	...	...	11 Geo. IV. and 1 Will. IV., c. 47, as adopted by	6 Will. IV., 4	1836		
Absconding Debtors	...	...	...	...	8 Vict., 10	1844	
...	...	...	...	...	41 Vict., 17	1877	
Amendment	...	...	...	...	43 Vict., 24	1879	
Fraudulent Debtors	...	...	...	...	34 Vict., 21	1871	
Amendment	...	...	...	...	55 Vict., 32	1892	
Interest on Judgment Debt	...	...	...	...	64 Vict., 27	1900	
Recovery of	...	...	...	...	6 Vict., 15	1842	
Intercolonial	...	...	...	...	19 Vict., 13	1855	
from Real Estate (and see "Deceased Persons")	...	...	...	...	2 & 3 Vict., c. 60, as adopted by	7 Vict., 13	1844
...	...	...	...	...	25 Vict., 8	1861	
...	...	...	...	...	29 Vict., 8	1865	
to Innkeepers, by Lodger	...	...	...	...	51 Vict., 16	1887	

**DECEASED PERSONS**

BASED UPON					No. 13	1903
Administration of Estates of	...	...	...	...	No. 13	1903
Administration	...	...	1 Will. IV., cc. 40, 47, as adopted by	6 Will. IV., 4		1836
...	...	...	...	2 & 3 Vict., c. 60, as adopted by	7 Vict., 13	1844
...	...	...	...	17 & 18 Vict., c. 113, as adopted by	31 Vict., 8	1867
...	...	...	...	...	43 Vict., 11	1879
Compensation to families for death caused by Accident	...	...	...	9 & 10 Vict., c. 93, as adopted by	12 Vict., 21	1849
...	...	...	...	...	64 Vict., 37	1900
Curator of Estates of	...	...	...	...	No. 13	1903
Debts of	...	...	...	...	25 Vict., 8	1861
...	...	...	...	...	29 Vict., 8	1865
Duties on Estates of	...	...	...	...	No. 13	1903
Escheat	...	...	4 & 5 Will. IV., c. 23, as adopted by	7 Vict., 13		1844
Revenue from	...	...	...	...	31 Vict., 2	1867
...	...	...	...	...	31 Vict., 3	1867
...	...	...	...	...	32 Vict., 1	1868
...	...	...	...	...	33 Vict., 1	1869
Grants of Land to	...	...	...	...	21 Vict., 8	1857

**DECLARATIONS**

as to Indebtedness	...	...	25 Vict., 8	1861
by Affirmation	...	1 & 2 Vict., c. 77, as adopted by	7 Vict., 13	1844
Customs and Excise	...	1 & 2 Will. IV., c. 4, as adopted by	6 Will. IV., 4	1836
In lieu of Oath	...	...	No. 28	1906
may be taken by Clerks of Petty Sessions or of Local Court, and	...	...	...	...
Mining Registrars	...	...	60 Vict., 30	1896
of Asiatics, etc.	...	...	55 Vict., 14	1892
of Quakers, etc.	...	3 & 4 Will. IV., c. 49, as adopted by	7 Vict., 13	1844

**DEFENCES (see "Military").**

DENTISTS	...	...	58 Vict., 19	1894
Amendment	...	...	63 Vict., 23	1899
DESERTION, Naval	...	...	48 Vict., 6	1884
...	...	...	51 Vict., 9	1887

**DESTITUTE PERSONS**

Discipline of Imperial Paupers	...	...	47 Vict., 2	1883
Relief of	...	...	9 Vict., 2	1845
Amendment	...	...	39 Vict., 8	1875

**DESTRUCTIVE INSECTS OR SUBSTANCES**

DESTRUCTIVE INSECTS OR SUBSTANCES	...	...	62 Vict., 27	1898
-----------------------------------	-----	-----	--------------	------

**DESTRUCTIVE BIRDS, ETC.**

DESTRUCTIVE BIRDS, ETC.	...	...	57 Vict., 22	1893
-------------------------	-----	-----	--------------	------

**DISEASES AFFECTING ORCHARDS AND GARDENS**

DISEASES AFFECTING ORCHARDS AND GARDENS	...	...	62 Vict., 27	1898
---	-----	-----	--------------	------

**DISEASES AMONG BEES, Eradication of**

DISEASES AMONG BEES, Eradication of	...	...	63 Vict., 10	1899
-------------------------------------	-----	-----	--------------	------

**DISENTAILING ASSURANCE**

DISENTAILING ASSURANCE	...	...	2 Will. IV., 7	1832
------------------------	-----	-----	----------------	------

**DISPUTES, INDUSTRIAL, SETTLEMENT OF**

DISPUTES, INDUSTRIAL, SETTLEMENT OF	...	...	1 & 2 Edwd. VII., 21	1902
-------------------------------------	-----	-----	----------------------	------

**DISTILLATION**

DISTILLATION	...	...	64 Vict., 16	1900
--------------	-----	-----	--------------	------

See 1 Edwd. VII., No. 8 (Commonwealth).

**DISTRESS FOR RENT**

DISTRESS FOR RENT	...	...	52 Vict., 17	1888
-------------------	-----	-----	--------------	------

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	No. 55	1904
-----------------	-----	-----	--------	------

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	63 Vict., 6	1899
-----------------	-----	-----	-------------	------

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	2 Edwd. VII., 32	1902
-----------------	-----	-----	------------------	------

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	No. 9	1903
-----------------	-----	-----	-------	------

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	No. 30	1906
-----------------	-----	-----	--------	------

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	27 Vict., 19	1863
-----------------	-----	-----	--------------	------

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	34 Vict., 7	1871
-----------------	-----	-----	-------------	------

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	43 Vict., 9	1879
-----------------	-----	-----	-------------	------

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	60 Vict., 10	1896
-----------------	-----	-----	--------------	------

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	No. 28	1906
-----------------	-----	-----	--------	------

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	No. 6	1903
-----------------	-----	-----	-------	------

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

DIVIDEND DUTIES	...	...	...	...
-----------------	-----	-----	-----	-----

**DIVIDEND DUTIES**

||
||
||

DRAIN, Lake Kingsford to Claisebrook, Perth	...	...	...	38 Vict., 14	1874
DRAIN RATE, Perth	...	...	...	39 Vict., 17	1875
DRAINAGE OF LAND	...	...	...	64 Vict., 22	1900
Amendment	...	...	...	1 & 2 Edwd. VII., 8	1902
And see	...	...	...	2 Edwd. VII., 47	1902
DREDGING FOR GOLD	...	...	...	63 Vict., 43	1899
DROVING	...	...	...	2 Edwd. VII., 30	1902
DRUNKARDS	...	...	...	No. 15	1903
DUTIES, CUSTOM (see "Tariff").					
DUTIES, EXCISE (see "Excise").					
DUTIES ON DIVIDENDS	...	...	...	63 Vict., 6	1899
	...	...	...	2 Edwd. VII., 32	1902
	...	...	...	No. 9	1903
	...	...	...	No. 30	1906
DUTIES ON ESTATES OF DECEASED PERSONS	...	...	...	No. 13	1903
DUTIES ON THE TAKINGS OF TOTALISATORS	...	...	...	No. 19	1905
EARLY CLOSING	...	...	...	1 & 2 Edwd. VII., 24	1902
ECCLESIASTICAL GRANT, Abolition of	...	...	...	59 Vict., 25	1895
	...	...	...	No. 1	1904
	...	...	...	No. 25	1904
EDUCATION					
Assisted Schools, Abolition of	...	...	...	59 Vict., 27	1895
Elementary	...	...	...	35 Vict., 14	1871
Amendments	...	...	...	38 Vict., 5	1874
	...	...	...	41 Vict., 11	1877
	...	...	...	57 Vict., 16	1893
	...	...	...	63 Vict., 3	1899
	...	...	...	No. 6	1905
	...	...	...	No. 2	1907
ELECTION OF SENATORS	...	...	...	No. 11	1903
ELECTORAL	...	...	...	No. 27	1907
Redistribution of Seats	...	...	...	No. 21	1904
ELECTRIC LIGHTING	...	...	...	55 Vict., 33	1892
Amendment	...	...	...	No. 7	1905
Kalgoorlie	...	...	...	2 Edwd. VII., No. 45	1902
Katanning	...	...	...	(Private)	1904
EMPLOYERS' LIABILITY	...	...	...	58 Vict., 3	1894
EMPLOYMENT BROKERS	...	...	...	61 Vict., 24	1897
ERADICATION OF DISEASES IN BEES	...	...	...	63 Vict., 10	1899
ESCHEAT (see "Deceased Persons").					
ESPEERANCE AUDIT VALIDATION (see "Collie")	...	...	...	No. 2	1906
EVIDENCE	...	...	...	No. 28	1906
by Persons dangerously ill	...	...	...	37 Vict., 4	1873
by Prisoners	...	...	...	43 Vict., 13	1879
Execution of certain Deeds	...	...	...	19 Vict., 3	1856
Libel	...	...	...	6 & 7 Vict., c. 96, as adopted by 10 Vict., 8	1847
	...	...	...	48 Vict., 12	1884
	...	...	...	52 Vict., 18	1888
perpetuating Testimony in certain cases	5 & 6 Vict., c. 69, as adopted by	7 Vict., 13			1844
Title to Land	...	...	...	7 Vict., 9	1843
	...	...	...	24 Vict., 3	1860
Validity of Oaths	...	1 & 2 Vict., c. 105, as adopted by	7 Vict., 13		1844
Wills	...	7 Will. IV. and 1 Vict., c. 26, as adopted by	2 Vict., 1		1839
	...	...	...	18 Vict., 13	1855
EXCISE DUTY ON BEER	...	...	...	62 Vict., 4	1898
Amendment	...	...	...	63 Vict., 41	1899
See 1 Edwd. VII., No. 7 (Commonwealth)					



EXHIBITION, MINING, Coolgardie, Revesting Land	...	...	64 Vict., 40	1900
EXPLOSIVE SUBSTANCES	...	...	58 Vict., 12	1894
	...	...	59 Vict., 38	1895
	...	...	2 Edwd. VII., 2	1902
EXPORT OF ARMS	...	...	35 Vict., 9	1871
	...	...	64 Vict., 18	1900
EXPORT DUTIES Repeal Act	...	...	59 Vict., 1	1895
EXTRADITION (see "Fugitive Offenders").				
FACTORIES	...	...	No. 22	1904
	...	...	No. 44	1904
FACTORS	...	5 & 6 Vict., c. 39, as adopted by	7 Vict., 13	1844
Amendment	...	...	42 Vict., 3	1878
FEDERAL CONSTITUTION ENABLING ACT	...	...	60 Vict., 32	1896
Amendment	...	...	60 Vict., 46	1897
	...	...	61 Vict., 3	1897
Provision for acceptance	...	...	63 Vict., 55	1900
Federal Parliament, Members of	...	...	64 Vict., 5	1900
	...	...	64 Vict., 6	1900
FEDERAL COUNCIL	48 & 49 Vict., c. 60, brought into operation in W.A. by	49 Vict., 24		1885
Corporations & Joint Stock Companies, Thursday Island, King George Sound	...	...	50 Vict., 29	1886
Lunacy - Production of unproved Wills	...	...	53 Vict., 20	1889
Garrisons. Fugitive Offenders	...	...	56 Vict., 12	1893
Quarantine, Joint Stock Companies, Banking, Infectious Diseases	...	...	60 Vict., 7	1896
FENCING				
of Town and Suburban Allotments...	...	...	4 Will. IV., 4	1834
(Trespass)	...	...	46 Vict., 7	1882
FERTILISERS AND FEEDING STUFFS	...	...	No. 7	1904
Amendment	...	...	No. 10	1905
Consolidation	...	...	Page 145	1905
FIRE ARMS				
Export of Arms...	...	...	35 Vict., 9	1871
Gun Licenses	...	...	49 Vict., 18	1885
FIRE BRIGADES	...	...	62 Vict., 8	1898
Amendment	...	...	63 Vict., 28	1899
Debentures	...	...	64 Vict., 38	1900
	...	...	No. 23	1905
FIRES	...	...	51 Vict., 14	1887
Bush Fires	...	...	1 & 2 Edwd. VII., 18	1902
	...	...	No. 36	1904
Prevention of, from Engine Sparks	...	...	59 Vict., 36	1895
FIRMS				
Registration of	...	...	61 Vict., 14	1897
Amendment	...	...	63 Vict., 26	1899
FISHERIES	...	...	No. 18	1905
Contracts about	...	...	10 Vict., 16	1847
Licensing of Pearl Dealers	...	...	63 Vict., 33	1899
Oysters	...	...	45 Vict., 4	1881
Pearl Shell	...	...	37 Vict., 11	1873
	...	...	39 Vict., 13	1875
	...	...	47 Vict., 10	1883
	...	...	50 Vict., 7	1886
	...	...	51 Vict., 18	1887
	...	...	53 Vict., 9	1889
and see	...	...	61 Vict., 13	1897
Export Duty repealed (Sharks Bay)	...	...	59 Vict., 1	1895
Enlargement of Area	...	...	55 Vict., 9	1892
	...	...	61 Vict., 19	1897

## FISHERIES--(continued.)

Prawns	...	...	...	...	1 & 2 Edwd. VII., 17	1902
Whaling, etc., by Foreigners	...	...	...	...	24 Vict., 12	1860
FOREIGN COMPANIES (see "Companies")	...	...	...	...	62 Vict., 28	1898
FORESTS	...	...	...	...	No. 58	1904
FREEMASONS						
Lodge 485	...	...	...	...	30 Vict., 11	1866
Lodge 1033	...	...	...	...	39 Vict., 16	1875
FREMANTLE						
Dock	...	...	...	...	No. 22	1907
Gas Co.	...	...	...	...	50 Vict., 34	1886
Amendment	...	...	...	...	57 Vict. (Private)	1893
Grammar School	...	...	...	...	47 Vict., 4	1883
Harbour Trust	...	...	...	...	2 Edwd. VII., 17	1902
Amendment	...	...	...	...	No. 35	1906
Consolidation	...	...	...	...	Page 543	1906
Harbour and Tramways	...	...	...	...	56 Vict., 16	1893
Jockey Club	...	...	...	...	No. 11	1906
Loan No. 5, Legalisation of	...	...	...	...	53 Vict., 16	1889
Loans Validation	...	...	...	...	No. 35	1904
Prison Site	...	...	...	...	2 Edwd. VII., 7	1902
Reserves	...	...	...	...	No. 3	1906
Street Dedication	...	...	...	...	No. 14	1906
Tramway and Electric Lighting	...	...	...	...	(Private)	1903
FRIENDLY SOCIETIES	...	...	...	...	58 Vict., 23	1894
Enabled to raise Money	...	...	...	...	56 Vict., 7	1893
Amendments	...	...	...	...	57 Vict., 27	1893
	...	...	...	...	No. 34	1904
FRUIT AND FRUIT TREES (see "Insect Pests").						
FUGITIVE OFFENDERS	...	...	...	...	41 Vict., 1	1877
	Part 2 of 44 & 45 Vict., c. 69, 1881, proclaimed 13th Oct., 1883.					
(Australasian)	...	...	...	...	14 Vict., 18	1851
(Federal Reference Act)	...	...	...	...	50 Vict., 29	1886
(Federal Reference Act)	...	...	...	...	56 Vict., 12	1893
FUNDS, TRUST—INVESTMENT OF	...	...	...	...	64 Vict., 12	1900
GAME	...	...	...	...	55 Vict., 36	1892
Amendment	...	...	...	...	64 Vict., 7	1900
	...	...	...	...	No. 18	1907
GAMING	...	...	...	...	5 & 6 Will. IV., c. 41, as adopted by 7 Vict., 13	1844
	...	...	...	...	56 Vict., 10	1893
	...	...	...	...	62 Vict., 21	1898
	and see "Criminal Code."					
GAOLS (see "Prisons.")						
GARDENS, ACCLIMATISATION, South Perth	...	...	...	...	62 Vict., 32	1898
GARDENS, Diseases in	...	...	...	...	62 Vict., 27	1898
GAS COMPANY						
Cottesloe Lighting and Power	...	...	...	...	63 Vict. (Private)	1899
Perth	...	...	...	...	50 Vict., 33	1886
	...	...	...	...	56 Vict. (Private)	1893
	...	...	...	...	61 Vict. (Private)	1897
GOATS, Destruction of	...	...	...	...	45 Vict., 3	1881
GOLD DEALERS	...	...	...	...	No. 15	1904
GOLDFIELDS (see "Mining").						
GOLDFIELDS WATER SUPPLY...	...	...	...	...	2 Edwd. VII., 33	1902
GOLD STEALING (see "Police Act Amendment, 1902").						

GOODS, Sale of	...	...	...	...	59 Vict., 41	1895
Indorsement of Warrants	...	...	...	...	62 Vict., 3	1898
of Lodgers, Distress for Rent	...	...	...	...	62 Vict., 2	1898
GOVERNMENT PROPERTY, Sale of	...	...	...	...	No. 8	1907
GOVERNMENT RAILWAYS	...	...	...	...	No. 23	1904
Amendment	...	...	...	...	No. 29	1907
GOVERNMENT SAVINGS BANK	...	...	...	...	No. 9	1906
GRAVEYARDS	...	...	...	...	62 Vict., 25	1898
...	...	...	...	...	63 Vict., 33	1899
and see "Cemeteries."						
GREAT SOUTHERN RAILWAY PURCHASE ACT	...	...	...	...	60 Vict., 43	1896
GREENBUSHES, Abolition of Town Site	...	...	...	...	57 Vict., 19	1893
GUANO, Removal of	...	...	...	...	40 Vict., 9	1876
GUN LICENSES	...	...	...	...	49 Vict., 18	1885
HABITUAL DRUNKARDS	...	...	...	...	No. 15	1903
HAINAULT GOLD MINE	...	...	...	...	61 Vict., 4	1897
HAMPTON PLAINS ESTATE	...	...	...	...	62 Vict., No. 29	1898
HARBOURS AND RIVERS						
Anchorage	...	...	...	...	34 Vict., 22	1871
Execution of Process within	...	...	...	...	18 Vict., 10	1855
Fremantle Harbour Trust	...	...	...	...	2 Edwd. VII., 17	1902
...	...	...	...	...	No. 35	1906
Consolidation	...	...	...	...	Page 543	1906
Pilotage and Shipping Dues	...	...	...	...	18 Vict., 15	1855
Amendment	...	...	...	...	37 Vict., 14	1873
...	...	...	...	...	47 Vict., 17	1883
Waterway	...	...	...	...	17 Vict., 4	1854
HAWKERS	...	...	...	...	55 Vict., 35	1892
Amendment	...	...	...	...	61 Vict., 7	1897
HEALTH ACT	...	...	...	...	62 Vict., 24	1898
Amendment	...	...	...	...	64 Vict., 25	1900
...	...	...	...	...	1 & 2 Edwd. VII., 23	1902
...	...	...	...	...	2 Edwd. VII., 36	1902
...	...	...	...	...	No. 60	1904
...	...	...	...	...	No. 26	1906
HIGH SCHOOL, PERTH	...	...	...	...	40 Vict., 8	1876
Governors	...	...	...	...	55 Vict., 29	1892
Mortgages	...	...	...	...	47 Vict., 11	1883
Subsidy	...	...	...	...	61 Vict., 12	1897
HORSES (see "Stock, Wild Cattle, and Horses").						
HOSPITALS	...	...	...	...	58 Vict., 20	1894
IMMIGRATION						
Apprentices	...	...	...	...	6 Vict., 8	1842
Amendments	...	...	...	...	7 Vict., 11	1844
...	...	...	...	...	12 Vict., 16	1849
...	...	...	...	...	37 Vict., 12	1873
Prohibition and Restriction of	...	...	...	...	61 Vict., 13	1897
See 1 Edwd. VII., No. 17 (Commonwealth).						
IMPORTED LABOUR						
Registry	...	...	...	...	61 Vict., 27	1897
Chinese	...	...	...	...	53 Vict., 3	1889
Amendment	...	...	...	...	57 Vict., 32	1893
IMPORTED STOCK (see "Stock").						
INCORPORATION of Associations	...	...	...	...	59 Vict., 20	1895
INDECENT PUBLICATIONS	...	...	...	...	2 Edwd. VII., 14	1902

INDORSEMENT OF WARRANTS FOR GOODS	...	62 Vict., 3	1898
INDUSTRIAL DISPUTES	...	1 & 2 Edwd. VII., 21	1902
INDUSTRIAL SCHOOLS (see "State Children").			
INFANTS			
Custody of	...	2 & 3 Vict., c 54, as adopted by 7 Vict., 13	1844
Estates of	...	11 Geo. IV., and 1 Will. IV., c. 65, as adopted by 6 Will. IV., 4	1836
INNKEEPERS, Relief of	...	51 Vict., 16	1887
INQUESTS			
Accidents in Mines	...	No. 36	1906
Coroner's	...	1 & 2 Edwd. VII., No. 25	1902
On causes of Fires	...	19 Vict., 10	1856
On causes of Fires	...	27 Vict., 1	1863
On causes of Fires	...	sect. 63 of 44 Vict., 9	1880
On causes of Fires	...	51 Vict., 14	1887
INSANE	...	No. 15	1903
INSCRIBED STOCK (see "Loan and Inscribed Stock").			
Local	...	62 Vict., 11	1898
INSECT PESTS	...	62 Vict., 27	1898
Amendment	...	63 Vict., 14	1899
INSOLVENCY (see "Bankruptcy").			
INSPECTION OF MACHINERY	...	No. 53	1904
INSURANCE, LIFE	...	53 Vict., 12	1889
Amendment	...	No. 12	1905
INSURANCE, MARINE	...	No. 33	1907
INTERPRETATION ACT	...	62 Vict., 30	1898
See	...	2 Edwd. VII., 11	1902
INVESTMENT OF TRUST FUNDS	...	64 Vict., 12	1900
JETTIES, BRIDGES, etc.	...	42 Vict., 18	1878
See	...	2 Edwd. VII., 47	1902
JEWS' MARRIAGE LAWS	...	62 Vict., 23	1898
JUDGES' SALARIES	...	2 Edwd. VII., 37	1902
JUDGMENTS, DECREES, AND ORDERS	...	1 & 2 Vict., c. 110, and 3 & 4 Vict., c. 82, as adopted by 31 Vict., 8	1867
JUDGMENTS--INTEREST ON	...	64 Vict., 27	1900
JUDICIAL DOCUMENTS, Proof of	...	No. 28	1906
JURIES	...	62 Vict., 10	1898
Amendment	...	No. 11	1905
East and West Kimberley Juries	...	50 Vict., 27	1886
Attorney General as Grand Jury	...	47 Vict., 6	1883
Amendment (see "Criminal Code").			
JUSTICES	...	2 Edwd. VII. 11	1902
Jurisdiction (R.M. or P.M.)	...	27 Vict., 17	1863
Amendments	...	43 Vict., 1	1879
Amendments	...	44 Vict., 4	1880
Amendments	...	47 Vict., 8	1883
Licensing	...	57 Vict., 25	1893
Validating Penalties by	...	8 Vict., 12	1845
Wardens are <i>ex officio</i>	...	60 Vict., 30	1896
JUVENILE OFFENDERS (see "Criminal Code").			
KALGOORLIE AND BOULDER RACING CLUBS	...	(Private)	1904
KALGOORLIE MUNICIPAL LOAN MONEYS, RE-APPROPRIATION	...	64 Vict., 35	1900
KALGOORLIE RACECOURSE ELECTRIC TRAMWAYS	...	(Private)	1904
KALGOORLIE ROAD BOARD LICENSE VALIDATION	...	No. 9	1904
KING GEORGE SOUND Federal Reference Act	...	50 Vict., 29	1886

<b>LABOUR</b>						
Register of Imported	...	...	...	...	61 Vict., 27	1897
<b>LAND ACT, 1898</b>						
Amendments	...	...	...	...	62 Vict., 37	1898
	...	...	...	...	63 Vict., 50	1899
	...	...	...	...	(Private)	1899
	...	...	...	...	64 Vict., 15	1900
	...	...	...	...	1 & 2 Edwd. VII., 20	1902
	...	...	...	...	No. 58	1904
	...	...	...	...	(Private)	1904
	...	...	...	...	No. 22	1905
	...	...	...	...	No. 29	1906
<b>LAND AND INCOME TAX</b>	...	...	...	...	No. 16	1907
<b>LAND AND INCOME TAX ASSESSMENT</b>	...	...	...	...	No. 15	1907
<b>LAND DRAINAGE</b>	...	...	...	...	64 Vict., 22	1900
Amendment	...	...	...	...	1 & 2 Edwd. VII., 8	1902
<b>LAND REGULATIONS (of 1872 as proclaimed in 1873, and those of 1878 and 1882)</b>						
Crown Lessees' Arbitration	...	...	...	...	51 Vict., 27	1887
(of 1887) " "	...	...	...	...	52 Vict., 19	1888
<b>LAND RESUMPTION</b>	...	...	...	...	2 Edwd. VII., No. 47	1902
	...	...	...	...	No. 8	1906
<b>LAND TRANSFER (see "Transfer of Land").</b>						
<b>LANDS</b>						
Admiralty	...	...	...	...	27 Vict., 11	1863
Agricultural Purchase	...	...	...	...	60 Vict., 26	1896
Amendments	...	...	...	...	61 Vict., 34	1897
	...	...	...	...	62 Vict., 20	1898
	...	...	...	...	63 Vict., 50	1899
	...	...	...	...	No. 10	1904
Boundaries of Crown	...	...	...	...	4 & 5 Vict., 20	1841
Crown Lands Consolidation (see "Land Act")	...	...	...	...	62 Vict., 37	1898
Ordinance	...	...	...	...	25 Vict., 2	1861
Amendment	...	...	...	...	25 Vict., 19	1862
<b>LANDLORD AND TENANT</b>	...	...	...	...	1 & 2 Vict., c. 74, as adopted by 7 Vict., 13	1844
Distress	...	...	...	...	52 Vict., 17	1888
	...	...	...	...	No. 55	1904
<b>LEGAL PRACTITIONERS</b>	...	...	...	...	57 Vict., 12	1893
<b>LEGITIMACY</b>	...	...	...	...	21 & 22 Vict., c. 93, as adopted by 31 Vict., 8	1867
<b>LIBEL</b>						
Evidence in	...	...	...	...	6 & 7 Vict., c. 96, as adopted by 10 Vict., 8	1847
Newspapers	...	...	...	...	48 Vict., 12	1884
	...	...	...	...	52 Vict., 18	1888
(See "Criminal Law").						
<b>LIBRARY</b>						
Law and Parliamentary	...	...	...	...	37 Vict., 15	1873
Amendment	...	...	...	...	53 Vict., 17	1889
<b>LICENSING</b>						
to sell Wine, Beer, and Spirits (Principal Act)	...	...	...	...	44 Vict., 9	1880
Amendments	...	...	...	...	48 Vict., 14	1884
	...	...	...	...	50 Vict., 26	1886
	...	...	...	...	61 Vict., 25	1897
	...	...	...	...	62 Vict., 34	1898
	...	...	...	...	63 Vict., 4	1899
	...	...	...	...	63 Vict., 21	1899
	...	...	...	...	1 & 2 Edwd. VII., 2	1902
	...	...	...	...	2 Edwd. VII., 44	1903
	...	...	...	...	No. 21	1905
Composition of Bench—Clubs	...	...	...	...	57 Vict., 25	1893

## LICENSING—(continued).

Goldfields ... ..	52 Vict., 13	1888
Pearl-dealers ... ..	63 Vict., 33	1899
Provisional certificate ... ..	53 Vict., 8	1889
Railway Refreshment Rooms ... ..	44 Vict., 21	1881
... ..	59 Vict., 15	1895
... ..	2 Edwd. VII., 4	1902
... ..	No. 23	1904
Theatre Refreshment Rooms ... ..	59 Vict., 15	1895
Lien of Innkeepers ... ..	51 Vict., 16	1887
LIFE ASSURANCE ... ..	53 Vict., 12	1889
Amendment ... ..	No. 12	1905
LIGHT AND AIR TO BUILDINGS ... ..	1 & 2 Edwd. VII., 29	1902
LIGHTING AND POWER		
Cottesloe ... ..	63 Vict. (Private)	1899
Katanning ... ..	(Private)	1904

## LIMITATIONS

Prescription shortened (Lord Tenterden's Act) 2 & 3 Will. IV., c. 71,		
as adopted by 6 Will. IV., 4		1836
of Actions (Real Property) 3 & 4 Will. IV., c. 27, as adopted by 6 Will. IV., 4		1836
Amendment ... ..	42 Vict., 6	1878

## LOANS FOR PUBLIC WORKS

Agricultural Railways Generally ... ..	No. 20	1906
Albany Harbour Works ... ..	No. 20	1906
Bridgetown towards Wilgarup Railway ... ..	No. 20	1906
Bunbury Harbour Works ... ..	No. 20	1906
Busselton-Lower Blackwood Railway ... ..	No. 20	1906
Carnarvon Harbour Works ... ..	No. 20	1906
Coolgardie Goldfields Water Supply ... ..	60 Vict., 12	1896
Coolgardie-Kalgoorlie Railway ... ..	59 Vict., 21	1895
Coolgardie-Norseman Railway ... ..	No. 20	1906
Cue, Coolgardie, Bridgetown, Collie Railways; Harbour Works,		
Goldfields, Lighthouses, Telegraphs, Roads and Bridges,		
Agriculture, Perth Market, Cold Storage ... ..	58 Vict., 18	1894
Departmental ... ..	63 Vict., 44	1899
... ..	No. 20	1906
Development of Agriculture ... ..	No. 20	1906
Development of Goldfields and Mineral Resources ... ..	No. 20	1906
Donnybrook-Upper Blackwood Railway ... ..	No. 20	1906
Eastern and Northern Railways—Roads, etc. ... ..	42 Vict., 22	1878
... ..	42 Vict., 32	1879
Eastern Railway—Eucla Telegraph ... ..	44 Vict., 22	1881
Eastern Railway—Northern Telegraph, Fremantle Jetty ... ..	46 Vict., 2	1882
Eastern Railway—Northern Telegraph, etc. ... ..	46 Vict., 22	1882
Fremantle Jetty, etc., Government House, Steam Launch ... ..	51 Vict., 31	1888
Geraldton-Mullewa Railway ... ..	59 Vict., 9	1895
Goldfields Development ... ..	63 Vict., 44	1899
Greenhills-Quairading Railway ... ..	No. 20	1906
Harbour Works, Fremantle; Railways, Telegraphs, etc. ... ..	48 Vict., 26	1885
... ..	52 Vict., 12	1888
Harbour Works, Jetties, etc. ... ..	63 Vict., 44	1899
... ..	No. 20	1906
Harbour Works at Geraldton, Re-appropriation ... ..	59 Vict., 9	1895
Hopetoun-Ravensthorpe Railway ... ..	No. 20	1906
Improvement of existing Railways and Increase of Rolling Stock;		
Development of Goldfields and Mineral Resources, Dock and		
Harbour Works. Water Supply and Sewerage for Towns ... ..	60 Vict., 28	1896
Amendment ... ..	61 Vict., 9	1897
Jandakot-Armadale Railway ... ..	No. 20	1906
Kimberley Telegraph, etc. ... ..	50 Vict., 23	1886

## LOANS FOR PUBLIC WORKS—(continued).

Land Resumption	...	...	...	No. 20	1906
Lighthouses, Jetties, Telegraphs	...	...	...	36 Vict., 3	1872
Lines Existing or under Construction	...	...	...	No. 20	1906
Loans for Public Works	...	...	...	64 Vict., 13	1900
...	...	...	...	1 Edwd. VII., 2	1901
...	...	...	...	No. 18	1904
...	...	...	...	No. 40	1904
...	...	...	...	No. 20	1906
Metropolitan Waterworks	...	...	...	62 Vict., 22	1898
Amendment	...	...	...	63 Vict., 34	1899
Mt. Magnet-Black Range Railway	...	...	...	No. 20	1906
Narrogin-Wickepin Railway	...	...	...	No. 20	1906
Newcastle-Bolgart Railway	...	...	...	No. 20	1906
North-West Improvements	...	...	...	No. 20	1906
Pinjarra-Marrenup Railway	...	...	...	No. 20	1906
Port Hedland Harbour Works	...	...	...	No. 20	1906
Port Hedland-Marble Bar Railway	...	...	...	No. 20	1906
Public Buildings	...	...	...	No. 20	1906
Rails and Fastenings	...	...	...	No. 20	1906
Railways, Telegraphs	...	...	...	37 Vict., 19	1873
...	...	...	...	39 Vict., 21	1875
Railways	...	...	...	63 Vict., 44	1899
Re-allocation	...	...	...	1 & 2 Edwd. VII., 11	1902
Re-appropriation	...	...	...	62 Vict., 7	1898
Roads and Bridges	...	...	...	No. 20	1906
Roebourne-Derby Telegraph, etc.	...	...	...	49 Vict., 20	1885
...	...	...	...	53 Vict., 2	1889
South-Western, Yilgarn, Mullewa Railways; Fremantle, Geraldton, etc., Harbour Works; Goldfields, Telegraphs, Roads, Immigration, Surveys, etc.	...	...	...	54 Vict., 9	1891
Surveys	...	...	...	No. 20	1906
Swan River Improvements	...	...	...	51 Vict., 20	1887
Upper Chapman Railway	...	...	...	No. 20	1906
Water Supply and Sewerage	...	...	...	No. 20	1906
Workshops, Buildings, and Machinery	...	...	...	No. 20	1906
Yilgarn, Mullewa, Eastern Railways, Rolling Stock, Workshops, Roads, Goldfields, Harbours, Schools, Perth Railway Station	...	...	...	57 Vict., 10	1893
Site	...	...	...	48 Vict., 4	1884
LOAN AND INSCRIBED STOCK	...	...	...	52 Vict., 20	1888
Amendments	...	...	...	54 Vict., 13	1891
...	...	...	...	55 Vict., 5	1892
Local	...	...	...	61 Vict., 8	1897
...	...	...	...	62 Vict., 11	1898
...	...	...	...	2 Edwd. VII., 18	1902
LOANS CONSOLIDATION	...	...	...	60 Vict., 29	1896
Amendment	...	...	...	61 Vict., 9	1897
LOCAL BOARDS OF HEALTH	...	...	...	62 Vict., 24	1898
LOCAL COURTS	...	...	...	No. 51	1904
11 Geo. IV. and 1 Will. IV., c. 65, as adopted by 6 Will. IV., No. 4	...	...	...	61 Vict., 8	1897
LOCAL INSCRIBED STOCK	...	...	...	62 Vict., 11	1898
Amendments	...	...	...	2 Edwd. VII., 18	1902
...	...	...	...	No. 56	1904
LODGERS' GOODS, DISTRESS FOR RENT	...	...	...	62 Vict., 2	1898
LUNACY	...	...	...	No. 15	1903
(Federal Reference)	...	...	...	53 Vict., 20	1889
MACHINERY, Inspection of	...	...	...	No. 53	1904

MAGISTERIAL DISTRICTS	...	...	...	...	50 Vict., 17	1886
MAGISTRATES (see "Justices").						
MAILS, CARRIAGE OF	...	...	...	...	64 Vict., 26	1900
MAINTENANCE						
Of Wife, Children, etc., being destitute	...	...	...	...	9 Vict., 2	1845
(and see "Bastardy").						
MARINE INSURANCE	...	...	...	...	No. 33	1907
MARINE STORES, COLLECTORS AND DEALERS	...	...	...	...	2 Edwd. VII., 9	1902
MARRIAGE LAW	...	...	5 & 6 Will. IV., c 54, as adopted by	7 Vict., 13	1844	
	...	...	21 & 22 Vict., c 93, as adopted by	31 Vict., 8	1867	
	...	...		58 Vict., 11	1894	
	...	...		No. 7	1907	
Registration	...	...	...	58 Vict., 16	1894	
Amendment	...	...	...	62 Vict., 23	1898	
	...	...	...	No. 19	1907	
	...	...	...	64 Vict., 31	1900	
MARRIED WOMEN—JUDICIAL SEPARATION (SUMMARY)	...	...	...	60 Vict., 10	1896	
	...	...	...	1 & 2 Edwd. VII., 7	1902	
MARRIED WOMEN'S PROPERTY	...	...	...	55 Vict., 20	1892	
	...	...	...	59 Vict., 22	1895	
MASTER AND SERVANT						
Apprenticeship	...	...	...	37 Vict., 12	1873	
All the Laws in force in England on 1st January, 1873, as adopted by	...	...	...	37 Vict., 12	1873	
Contracts about Fisheries	...	...	...	10 Vict., 16	1847	
Employers' Liability	...	...	...	58 Vict., 3	1894	
Principal Enactment	...	...	...	55 Vict., 28	1892	
(and see "Imported Labour")						
MECHANICS' INSTITUTE (ALBANY)	...	...	...	48 Vict., 17	1884	
(SWAN RIVER)	...	...	...	50 Vict., 30	1886	
MEDICAL PRACTITIONERS	...	...	...	58 Vict., 36	1894	
	...	...	...	59 Vict., 17	1895	
MEMBERS OF FEDERAL PARLIAMENT	...	...	...	64 Vict., 5	1900	
MEMBERS OF PARLIAMENT. PAYMENT OF	...	...	...	64 Vict., 32	1900	
MERCANTILE LAW	...	...	19 & 20 Vict., c. 97, as adopted by	31 Vict., 8	1867	
Amended by	...	...	...	59 Vict., 23	1895	
	...	...	...	59 Vict., 41	1895	
MERCHANT SHIPPING ACT—APPLICATION	...	...	...	No. 7	1903	
METROPOLITAN WATERWORKS	...	...	...	60 Vict., 19	1896	
Amendments	...	...	...	62 Vict., 22	1898	
	...	...	...	63 Vict., 34	1899	
	...	...	...	1 & 2 Edwd. VII., 27	1902	
	...	...	...	No. 31	1904	
	...	...	...	No. 5	1905	
	...	...	...	No. 25	1905	
MILITARY						
Defence Forces	...	...	...	58 Vict., 2	1894	
Discipline of Garrison (Federal Referring Act)	...	...	...	56 Vict., 12	1893	
Foreign Service	...	...	...	38 Vict., 16	1874	
Exportation of Arms, etc.	...	...	...	35 Vict., 9	1871	
	...	...	...	64 Vict., 18	1900	
Safety of Defences	...	...	...	56 Vict., 4	1893	
Uniforms	...	...	...	59 Vict., 4	1895	
MINES—Regulation and Inspection of	...	...	...	No. 36	1906	
MINING	...	...	...	No. 15	1904	
Coal	...	...	...	1 & 2 Edwd. VII., 25	1902	
Sluicing and Dredging	...	...	...	63 Vict., 43	1899	
Sunday Labour	...	...	...	No. 36	1906	



<b>MINING DEVELOPMENT</b>	...	...	...	...	2 Edwd. VII.	20	1902
<b>MINING EXHIBITION, COOLGARDIE—Repeal</b>	...	...	...	...	64 Vict.,	40	1900
<b>MINT</b>	...	...	...	...	59 Vict.,	12	1895
<b>Amendments</b>	...	...	...	...	63 Vict.,	2	1899
...	...	...	...	...	No.	3	1905
<b>MORTGAGEES AND TRUSTEES</b>	...	...	...	...	17 Vict.,	10	1854
22 & 23 Vict., c. 35, 23, and 24 Vict., c. 38, as adopted by	...	...	...	...	31 Vict.,	8	1867
<b>MUNICIPAL CORPORATIONS</b>	...	...	...	...	No.	32	1906
<b>MUNICIPALITIES</b>	...	...	...	...	1 & 2 Edwd. VII.,	22	1902
...	...	...	...	...	No.	3	1904
...	...	...	...	...	No.	14	1906
<b>Grazing of Cattle in</b>	...	...	...	...	14 Vict.,	8	1850
<b>Preservation of Water</b>	...	...	...	...	55 Vict.,	37	1892
<b>Waterworks</b>	...	...	...	...	53 Vict.,	13	1889
<b>MUNICIPAL LOANS VALUATION</b>	...	...	...	...	63 Vict.,	5	1899
<b>NATURALISATION</b>	...	...	...	...	35 Vict.,	2	1871
<b>NATURALISATION OF CERTAIN ALIENS</b>	...	...	...	...	...	...	...
of Johann August Ludwig Preiss	...	...	...	...	4 & 5 Vict.,	5	1841
„ Frederick Waldeck	...	...	...	...	4 & 5 Vict.,	6	1841
„ Benjamin Franklin Simmons	...	...	...	...	4 & 5 Vict.,	12	1841
„ Franz Anthon Didrich Christian Helmich	...	...	...	...	6 Vict.,	12	1842
„ the same	...	...	...	...	12 Vict.,	9	1849
„ Abraham Myers, Solomon Cook, Don Rosendo Salvado, the Reverend J. J. Joostens, Louis Langoulant	...	...	...	...	12 Vict.,	10	1849
„ Thomas Frederick Gilman	...	...	...	...	14 Vict.,	10	1850
„ Charles François Tondut, Samuel Augustus Wallace, Solomon Drott	...	...	...	...	15 Vict.,	3	1851
„ Right Reverend Jose Maria Benedict Serra	...	...	...	...	15 Vict.,	4	1851
„ John Simpkins Barker and Thomas Pope	...	...	...	...	15 Vict.,	6	1851
„ The Rev. Martin Griver, the Rev. Venancio Garrido, the Rev. Pedro Aragon	...	...	...	...	17 Vict.,	11	1854
„ Charles Millar	...	...	...	...	19 Vict.,	7	1856
„ Joannes Antonius Baesjou	...	...	...	...	22 Vict.,	1	1858
„ Sanford Duryea	...	...	...	...	22 Vict.,	9	1858
„ Hyman Lipschitz	...	...	...	...	23 Vict.,	6	1859
„ Rev. Adolphe Joseph Lecaille	...	...	...	...	23 Vict.,	7	1859
„ John Perejuan	...	...	...	...	23 Vict.,	14	1860
„ The Very Reverend Raphael Martelli, the Reverend Francis Salvado, the Reverend Ildephonsus Bertran, the Reverend Emilian Coll	...	...	...	...	24 Vict.,	13	1860
„ Ygnasi Anton Joseph Boladeras	...	...	...	...	24 Vict.,	16	1861
„ Isidro Oriol	...	...	...	...	29 Vict.,	6	1865
„ Bartolomi Ramis	...	...	...	...	30 Vict.,	3	1866
...	...	...	...	...	31 Vict.,	5	1867
„ Herman Look	...	...	...	...	31 Vict.,	11	1867
„ August Bothe	...	...	...	...	30 Vict.,	2	1866
...	...	...	...	...	31 Vict.,	14	1867
„ George Andrew Seubert	...	...	...	...	33 Vict.,	3	1869
„ Solomon Pekilman <i>alias</i> Chlom Reichberg	...	...	...	...	33 Vict.,	4	1869
„ William Lawrence	...	...	...	...	33 Vict.,	5	1869
„ Bernard Martinez	...	...	...	...	33 Vict.,	14	1870
„ Peter Ferrara	...	...	...	...	34 Vict.,	4	1871
<b>NAVAL UNIFORMS</b>	...	...	...	...	59 Vict.,	4	1895
<b>Stores, Export of</b>	...	...	...	...	64 Vict.,	18	1900
<b>NAVIGATION</b>	...	...	...	...	No.	59	1904
<b>Amendment</b>	...	...	...	...	No.	9	1907
<b>NAVY</b>	...	...	...	...	...	...	...
<b>Australasian</b>	...	...	...	...	51 Vict.,	25	1888
<b>Royal (Supply of Liquor to Sailors; Desertion)</b>	...	...	...	...	51 Vict.,	9	1887

TABLE OF STATUTES IN FORCE.

17

NEGLIGENCE, Compensation for Deaths by 9 & 10 Vict., c. 93, as adopted by 12 Vict., 21	1849
NELSON AGRICULTURAL SOCIETY LAND ... .. No. 4	1906
NEWCASTLE, Extension of Boundaries ... .. 24 Vict., 14	1860
NEWSPAPERS (see "Libel," "Registration").	
NORTH FREMANTLE STREETS DEDICATION ... .. No. 48	1904
NOTARIES ... .. 2 Edwd. VII., 8	1902
NOTES, BANK, Defacement of ... .. 63 Vict., 46	1899
NOXIOUS WEEDS ... .. No. 45	1904
NUISANCES (see "Health").	
OBSCENE PUBLICATIONS ... .. 2 Edwd. VII., 14	1902
ODDFELLOWS' LODGE, 4406 ... .. 33 Vict., 7	1869
OFFICERS, Designations of Public ... .. 55 Vict., 13	1892
OFFICIAL Documents, Proof of ... .. No. 28	1906
ORCHARDS, Diseases in ... .. 62 Vict., 27	1898
OYSTERS (see "Fisheries").	
PARKS AND RESERVES ... .. 59 Vict., 30	1895
... .. 63 Vict., 24	1899
... .. 1 & 2 Edwd. VII., 15	1902
PARLIAMENT	
Constitution ... .. 52 Vict., 23	1889
Amendments ... .. 63 Vict., 19	1899
... .. 64 Vict., 2	1900
... .. 64 Vict., 5	1900
House of Representatives, Federal ... .. 64 Vict., 6	1900
Members of Federal ... .. 64 Vict., 5	1900
Papers of ... .. 54 Vict., 3	1891
Payment of Members ... .. 64 Vict., 32	1900
Parliamentary Privileges ... .. 54 Vict., 4	1891
Redistribution of Seats ... .. No. 21	1904
PARLIAMENTARY ELECTIONS ... .. No. 27	1907
PARTITION (see "Real Property"). ... .. 42 Vict., 1	1878
PARTNERSHIP ... .. 59 Vict., 23	1895
PATENTS ... .. 52 Vict., 5	1888
Amendments ... .. 55 Vict., 15	1892
... .. 58 Vict., 4	1894
PAUPERS (see "Destitute Persons").	
PAWNBROKERS ... .. 24 Vict., 7	1860
Amendment ... .. 41 Vict., 10	1877
PAYMENT OF MEMBERS OF PARLIAMENT ... .. 64 Vict., 32	1900
PEARL SHELL (see "Fisheries").	
PENALTIES, Remission of ... .. 39 Vict., 20	1876
See also ... .. 2 Edwd. VII., 11	1902
PENSIONS	
Annuity to Lady Barlee ... .. 49 Vict., 11	1885
" to Lady Broome ... .. 61 Vict., 15	1897
" to Susan Letitia O'Connor ... .. 2 Edwd. VII., 5	1902
Civil Servants ... .. 35 Vict., 7	1871
Amendment ... .. 49 Vict., 4	1885
Judges' ... .. 60 Vict., 24	1896
PENSIONERS	
Barracks ... .. 27 Vict., 13	1863
Benevolent Society ... .. 37 Vict., 17	1873
PERIODICAL PAYMENTS, Apportionment ... .. 54 Vict., 8	1891

**PERMANENT RESERVES (see "Reserves").**

<b>PERTH, City of, Validating Building Fees</b>	...	...	...	2 Edwd. VII., 3	1902
<b>PERTH GAS CO.</b>	...	...	...	50 Vict., 33	1886
Amendment	...	...	...	56 Vict. (Private)	1893
...	...	...	...	61 Vict. (Private)	1897
<b>PERTH HIGH SCHOOL</b>	...	...	...	40 Vict., 8	1876
Governors	...	...	...	55 Vict., 29	1892
Mortgages	...	...	...	47 Vict., 11	1883
Subsidy, Increase of	...	...	...	61 Vict., 12	1897
<b>PERTH MINT</b>	...	...	...	59 Vict., 12	1895
Amendments	...	...	...	63 Vict., 2	1899
...	...	...	...	No. 3	1905
<b>PERTH RAILWAY CROSSING</b>	...	...	...	56 Vict., 6	1892
Amendment	...	...	...	No. 34	1906
<b>PERTH WORKING MEN'S ASSOCIATION</b>	...	...	...	44 Vict., 12	1880
<b>PESTS, INSECT</b>	...	...	...	62 Vict., 27	1898
Amendment	...	...	...	63 Vict., 14	1899
<b>PETTY SESSIONS</b>	...	...	...	...	...
Clerks of, may sign and issue summonses	...	...	...	2 Edwd. VII., 11	1902
" may administer oaths	...	...	...	60 Vict., 30	1896
<b>PHARMACY AND POISONS</b>	...	...	...	58 Vict., 35	1894
Amendments	...	...	...	63 Vict., 36	1899
...	...	...	...	No. 8	1903
<b>POLICE ACT</b>	...	...	...	55 Vict., 27	1892
Amendments	...	...	...	56 Vict., 10	1893
...	...	...	...	58 Vict., 26	1894
...	...	...	...	62 Vict., 21	1898
...	...	...	...	2 Edwd. VII., 31	1902
...	...	...	...	No. 10	1907
<b>POLICE BENEFIT FUND</b>	...	...	...	30 Vict., 10	1866
Amendment	...	...	...	48 Vict., 18	1884
<b>POLICE SUPERVISION</b>	...	...	...	62 Vict., 13	1898
<b>POOR RELIEF</b>	...	...	...	9 Vict., 2	1845
...	...	...	...	46 Vict., 8	1882
Amendment	...	...	...	52 Vict., 10	1888
<b>POST, TELEGRAPH, AND TELEPHONES...</b>	...	...	...	57 Vict., 5	1893
Amendment	...	...	...	64 Vict., 34	1900
See 1 Edwd. VII., No. 12 (Commonwealth).	...	...	...	...	...
<b>POWERS OF ATTORNEY</b>	...	...	...	60 Vict., 3	1896
<b>POWERS OF ROYAL COMMISSIONERS</b>	...	...	...	1 & 2 Edwd. VII., 28	1902
<b>PRAWNS</b>	...	...	...	1 & 2 Edwd., VII. 17	1902
<b>PRESBYTERIAN CHURCH</b>	...	...	...	1 Edwd. VII., 4	1901
...	...	...	...	48 Vict., 20	1884
<b>PREVENTION OF CRIMES</b>	...	...	...	62 Vict., 13	1898
<b>PRISONS</b>	...	...	...	No. 14	1903
Amendment	...	...	...	No. 6	1906
Consolidation	...	...	...	Page 521	1906
<b>PROBATE</b>	...	...	...	...	...
Administration Act	...	...	...	No. 13	1903
Court of Probate	...	...	...	24 Vict., 15	1861
Intercolonial	...	...	...	53 Vict., 20	1859
<b>PROHIBITION OF SECRET COMMISSIONS</b>	...	...	...	No. 13	1905
<b>PROSPECTING, Advance to Miners for</b>	...	...	...	2 Edwd. VII., 20	1902
<b>PROTECTION OF ABORIGINAL NATIVES (see "Aborigines")</b>	...	...	...	No. 14	1905

## TABLE OF STATUTES IN FORCE.

19

PROTECTION OF PROPERTY	...	...	64 Vict., 19	1900
PROVIDENT SOCIETIES	...	...	No. 2	1903
PUBLIC EDUCATION (see "Education").				
PUBLIC HEALTH	...	...	62 Vict., 24	1898
Amendments	...	...	64 Vict., 25	1900
	...	...	1 & 2 Edwd. VII., 23	1902
	...	...	2 Edwd. VII., 36	1902
PUBLIC NOTARIES	...	...	2 Edwd. VII., 8	1902
PUBLIC SERVICE	...	...	No. 41	1904
PUBLIC WORKS	...	...	2 Edwd. VII., 47	1902
Amendment	...	...	No. 8	1906
PUBLICATIONS, INDECENT AND OBSCENE	...	...	2 Edwd. VII., 14	1902
QUARANTINE	...	...	32 Vict., 12	1868
	...	...	52 Vict., 7	1888
	...	...	62 Vict., 24	1898
QUARTER SESSIONS	...	...	9 Vict., 4	1845
perpetuated by	...	...	12 Vict., 2	1848
(Kimberley)	...	...	50 Vict., 27	1886
RABBITS	...	...	2 Edwd. VII., 34	1902
RAILWAYS CONSTRUCTION (see "Loans for Public Works").				
Bayswater-Bunbury	...	...	54 Vict., 14	1891
Bayswater-Perth Racecourse	...	...	60 Vict., 41	1896
Beverley-Albany	...	...	48 Vict., 21	1884
	...	...	51 Vict., 30	1888
Boyanup-Busselton	...	...	55 Vict., 2	1892
Boyanup-Minninup	...	...	55 Vict., 4	1892
Bunbury-Boyanup	...	...	51 Vict., 4	1887
Bunbury Racecourse	...	...	61 Vict., 16	1897
Chidlow's Well-York	...	...	46 Vict., 16	1882
Amendment	...	...	47 Vict., 9	1883
	...	...	57 Vict., 29	1893
Clackline-Newcastle	...	...	51 Vict., 11	1887
Collie Coalfields	...	...	59 Vict., 33	1895
Collie to Collie-Boulder	...	...	2 Edwd. VII., 46	1902
Collie-Narrogin	...	...	No. 16	1904
	...	...	No. 6	1907
Collie-Quarry	...	...	61 Vict., 17	1897
Coolgardie-Kalgoorlie	...	...	59 Vict., 19	1895
Coolgardie-Norseman	...	...	No. 21	1906
Cue-Nannine	...	...	60 Vict., 33	1896
Donnybrook-Bridgetown	...	...	59 Vict., 32	1895
Donnybrook-Preston Valley	...	...	No. 23	1906
East Perth-Bunbury	...	...	55 Vict., 30	1892
Fremantle-Guildford	...	...	42 Vict., 27	1878
Geraldton-Greenough	...	...	50 Vict., 2	1886
Geraldton-Mullewa	...	...	55 Vict., 19	1892
Geraldton-Northampton	...	...	37 Vict., 21	1873
Amendment	...	...	51 Vict., 22	1888
Goomalling-Dowerin	...	...	No. 27	1905
Greenhills-Quairading	...	...	No. 24	1906
Guildford-Chidlow's Well	...	...	44 Vict., 18	1881
Guildford-Greenough	...	...	50 Vict., 24	1886
Hopetoun-Ravensthorpe	...	...	No. 22	1906
Jandakot-Armadale	...	...	No. 25	1906
Kalgoorlie-Gnumballa	...	...	64 Vict., 41	1900
Kalgoorlie-Gnumballa Lake and Boulder Townsite Loop	...	...	61 Vict., 18	1897
Kalgoorlie-Kanowna	...	...	60 Vict., 37	1896
Kalgoorlie-Menzies	...	...	60 Vict., 44	1896
Katanning-Kojonup	...	...	No. 28	1905

RAILWAY CONSTRUCTION (see "Loans for Public Works")—*continued*.

Malcolm to Laverton	...	...	...	2 Edwd. VII.,	41	1902
Menzies-Leonora	...	...	...	63 Vict.,	30	1899
Midland Railway	...	...	...	50 Vict.,	24	1886
Midland Railway Loan Authorisation	...	...	...	56 Vict.,	19	1893
Mt. Magnet-Black Range	...	...	...	No.	21	1907
Mullewa-Cue	...	...	...	58 Vict.,	24	1894
Narrogin-Wickepin	...	...	...	No.	26	1907
Newcastle-Bolgart	...	...	...	No.	32	1907
Northam-Goomalling	...	...	...	63 Vict.,	29	1899
Northam-Southern Cross	...	...	...	55 Vict.,	12	1892
Owen's Anchorage—Fremantle	...	...	...	61 Vict.,	31	1897
Pinjarra-Marrinup	...	...	...	No.	23	1907
Port Hedland-Marble Bar	...	...	...	No.	5	1907
Robb's Jetty to Woodman's Point	...	...	...	2 Edwd. VII.,	40	1902
Rocky Bay and Rous Head	...	...	...	63 Vict.,	51	1899
Southern Cross-Coolgardie	...	...	...	58 Vict.,	25	1894
Spencer's Brook-Northam	...	...	...	50 Vict.,	3	1886
Trans-Australian	...	...	...	No.	4	1903
Wagin-Dumbleyung	...	...	...	No.	26	1905
Woodman's Point-Jandakot	...	...	...	No.	17	1904
Wonnerup-Nannup	...	...	...	No.	24	1907
York-Beverley	...	...	...	49 Vict.,	5	1885
York-Greenhills	...	...	...	60 Vict.,	39	1896
And see "Loans."						
RAILWAYS, GOVERNMENT	...	...	...	No.	23	1904
Amendment	...	...	...	No.	29	1907
Perth Railway Crossings	...	...	...	56 Vict.,	6	1892
	...	...	...	No.	24	1906
Private Railways, Carriage of Mails	...	...	...	64 Vict.,	26	1900
Refreshment Rooms	...	...	...	44 Vict.,	21	1881
	...	...	...	59 Vict.,	15	1895
	...	...	...	2 Edwd. VII.,	4	1902
RAILWAY PURCHASE, Great Southern	...	...	...	60 Vict.,	43	1896
REAL PROPERTY						
Amendment of the Law 8 & 9 Vict., cc. 106, 119, 124, as adopted by	12 Vict.,	21	1849			
	23 & 24 Vict., c. 38, as adopted by	31 Vict.,	8			1867
Contingent Remainders	...	42 Vict.,	2			1878
Conveyance by Bargain and Sale	...	2 Will. IV.,	7			1832
Debts	...	3 & 4 Will. IV., c. 104, as adopted by	6 Will. IV.,	4		1836
	...	...	25 Vict.,	8		1861
	...	...	29 Vict.,	8		1865
Deeds, Registration of	...	...	19 Vict.,	14		1856
Disentailing Assurance	...	...	2 Will. IV.,	7		1832
Forms of Equitable Mortgage and Conveyance	...	...	2 Will. IV.,	7		1832
Amendment	...	...	19 Vict.,	3		1856
Grants of Land to Deceased Persons	...	...	21 Vict.,	8		1857
Judgment against Real Property	23 & 24 Vict., c. 38, as adopted by	31 Vict.,	8			1867
Lease and Release Superseded	...	7 Vict.,	4			1843
Limitation of Actions	...	3 & 4 Will. IV., c. 27, as adopted by	6 Will. IV.,	4		1836
Amendment	...	...	42 Vict.,	6		1878
Married Women's Property	...	...	55 Vict.,	20		1892
	...	...	59 Vict.,	22		1895
Partition	...	...	42 Vict.,	1		1878
Quieting of Titles	...	...	7 Vict.,	9		1843
Amendment	...	...	24 Vict.,	3		1860
Registration of	...	...	19 Vict.,	14		1856
Registration of Deeds	...	...	19 Vict.,	14		1856
Settled Estates	...	...	55 Vict.,	10		1892
Sheriff's Bill of Sale	...	...	25 Vict.,	8		1861
Simple Statutory, Form of	...	8 & 9 Vict., c. 106, as adopted by	12 Vict.,	21		1849

REAL PROPERTY (*continued*)—

Transfer of Land Act	...	...	...	...	56 Vict., 14	1893
Amendments	...	...	...	...	60 Vict., 22	1896
...	...	...	...	...	2 Edwd. VII., 10	1902
Trustees	...	...	...	...	64 Vict., 17	1900
Exchange by	...	...	...	...	16 Vict., 17	1853
Relief of	...	22 & 23 Vict., c. 38, as adopted by	...	...	31 Vict., 8	1867
Trustees and Mortgagees	...	...	...	...	17 Vict., 10	1854
...	...	23 & 24 Vict., c. 145, as adopted by	...	...	31 Vict., 8	1867
Vendor and Purchaser	...	...	...	...	42 Vict., 10	1878
...	...	...	...	...	43 Vict., 3	1879
Wills, Construction of	...	...	...	...	34 Vict., 1	1871
RECOGNISANCES, Forfeiture of	...	...	...	...	25 Vict., 5	1861
...	...	...	...	...	43 Vict., 13	1879
RECRUITING						
Foreign	...	...	...	...	38 Vict., 16	1874
REDISTRIBUTION OF SEATS	...	...	...	...	No. 21	1904
REGISTRATION						
Bills of Sale	...	...	...	...	63 Vict., 45	1899
...	...	...	...	...	No. 13	1906
Births, Deaths, and Marriages	...	...	...	...	58 Vict., 16	1894
Amendment	...	...	...	...	64 Vict., 31	1900
...	...	...	...	...	No. 19	1907
Companies	...	...	...	...	56 Vict., 8	1893
Amendment	...	...	...	...	60 Vict., 2	1896
Local, of Foreign	...	...	...	...	61 Vict., 35	1897
of Shareholders	...	...	...	...	62 Vict., 28	1898
Deeds, Wills, Judgments, Conveyances	...	...	...	...	19 Vict., 14	1856
...	...	...	...	...	31 Vict., 8	1867
Employment Brokers	...	...	...	...	61 Vict., 24	1897
Firms	...	...	...	...	61 Vict., 14	1897
...	...	...	...	...	63 Vict., 26	1899
Newspapers	...	...	...	...	48 Vict., 12	1884
Patents and Trade Marks	...	...	...	...	48 Vict., 7	1884
...	...	...	...	...	52 Vict., 5	1888
...	...	...	...	...	55 Vict., 15	1892
...	...	...	...	...	58 Vict., 4	1894
Title to Land	...	...	...	...	56 Vict., 14	1893
...	...	...	...	...	2 Edwd. VII., 10	1902
REGULATION OF FISHERIES (see "Fisheries")	...	...	...	...	No. 18	1905

## RELIGIOUS BODIES—

Abolition of Parliamentary Grant to certain Religious Bodies	...	...	...	...	59 Vict., 25	1895
Church Buildings and Maintenance of Ministers	...	...	...	...	4 Vict., 6	1840
Amendments	...	...	...	...	6 Vict., 7	1842
...	...	...	...	...	7 Vict., 16	1844
Church of England						
Diocesan Trustees	...	...	...	...	52 Vict., 2	1888
...	...	...	...	...	56 Vict. (Private)	1893
Empowering Sale of certain Lands	...	...	...	...	60 Vict. (Private)	1896
Synod	...	...	...	...	49 Vict., 19	1885
Congregationalists	...	...	...	...	18 Vict., 16	1855
Enabling Roman Catholics to Mortgage Church Lands	...	...	...	...	59 Vict. (Private)	1895
Incorporation of Religious and other Bodies	...	...	...	...	59 Vict., 20	1895
Presbyterians	...	...	...	...	48 Vict., 20	1884
...	...	...	...	...	1 Edwd. VII., 4	1901
Roman Catholics	...	...	...	...	22 Vict., 4	1858
...	...	...	...	...	59 Vict. (Private)	1895
...	...	...	...	...	1 & 2 Edwd. VII. (Private)	1902
Wesleyan Methodists	...	...	...	...	59 Vict. (Private)	1895

RENTS, Apportionment of	...	...	...	...	54 Vict., 8	1891
Distress for, Lodgers' Goods	...	...	...	...	62 Vict., 2	1898
Restriction	...	...	...	...	No. 55	1904
REPRESENTATIVES, Members of House of Federal	...	...	...	...	64 Vict., 5	1900
...	...	...	...	...	64 Vict., 6	1900
RESERVE 1895, Revesting	...	...	...	...	No. 4	1907
RESERVES AND PARKS, Management of	...	...	...	...	59 Vict., 30	1895
RESERVES, PERMANENT	...	...	...	...	63 Vict., 24	1899
Amendments	...	...	...	...	1 & 2 Edwd. VII., 15	1902
Changing Purpose of --	...	...	...	...		
Subiaco	...	...	...	...	2 Edwd. VII., 24	1902
...	...	...	...	...	No. 11	1907
Melville, Claremont, and Bunbury	...	...	...	...	No. 13	1904
Claremont	...	...	...	...	No. 57	1904
Broome	...	...	...	...	No. 4	1905
Perth and North Fremantle	...	...	...	...	No. 9	1905
Fremantle	...	...	...	...	No. 3	1906
Subiaco and South Perth	...	...	...	...	No. 5	1906
Kalgoorlie, Subiaco, and Greenmount	...	...	...	...	No. 19	1906
RESUMPTION OF LANDS	...	...	...	...		
for Public Purposes	...	...	...	...	2 Edwd. VII., 47	1902
...	...	...	...	...	No. 8	1906
within Towns	...	...	...	...	17 Vict., 6	1854
REVESTING OF LAND	...	...	...	...	No. 4	1907
ROADS	...	...	...	...	2 Edwd. VII., 48	1902
Amendments	...	...	...	...	No. 24	1904
...	...	...	...	...	No. 47	1904
Government	...	...	...	...	2 Edwd. VII., 47	1902
ROADS, Closure of (see "Streets").	...	...	...	...		
ROYAL COMMISSIONER'S POWERS	...	...	...	...	1 & 2 Edwd. VII., 28	1902
SALE OF CROWN LANDS	...	...	...	...	62 Vict., 37	1898
SALE OF GOODS	...	...	...	...	59 Vict., 41	1895
SALE OF GOVERNMENT PROPERTY	...	...	...	...	No. 8	1907
SANDALWOOD	...	...	...	...		
Removal of, from Crown Lands	...	...	...	...	62 Vict., 37	1898
...	...	...	...	...	46 Vict., 3	1882
Repeal of Export Duty upon	...	...	...	...	59 Vict., 1	1895
SAND-DRIFT	...	...	...	...	53 Vict., 5	1889
Geraldton	...	...	...	...	36 Vict., 10	1872
SAVINGS BANK (see "Government Savings Bank")	...	...	...	...	No. 9	1906
SCHOOLS, ELEMENTARY (see "Education").	...	...	...	...		
SEALS, OFFICIAL, Proof of	...	...	...	...	No. 28	1906
SEAMEN, Relief to	...	...	...	...	34 Vict., 2	1871
...	...	...	...	...	44 Vict., 1	1880
(Foreign) Offences by	...	...	...	...	42 Vict., 19	1878
of Royal Navy; Desertion	...	...	...	...	51 Vict., 9	1887
SEATS for Shop Assistants	...	...	...	...	63 Vict., 52	1899
SECOND-HAND DEALERS	...	...	...	...	No. 10	1906
SECRET COMMISSIONS PROHIBITION	...	...	...	...	No. 13	1905
SETTLED LAND	...	...	...	...	55 Vict., 10	1892
SHEEP	...	...	...	...		
Inspection	...	...	...	...	52 Vict., 11	1888
Scab	...	...	...	...	54 Vict., 16	1891
Amendments	...	...	...	...	56 Vict., 13	1893
...	...	...	...	...	58 Vict., 27	1894

<b>SHERIFF</b>						
Office of	...	...	...	...	2 Will. IV., 3	1832
Bill of Sale of Real or Personal Property by	...	...	...	...	25 Vict., 8	1861
<b>SHIPPING, Survey of Merchantmen</b>					41 Vict., 14	1877
<b>SHOPS</b>						
Early Closing of	...	...	...	...	1 & 2 Edwd. VII., 24	1902
	...	...	...	...	No. 1	1904
Seats for Assistants in	...	...	...	...	63 Vict., 52	1899
<b>SHORTENING OF LANGUAGE OF ACTS</b>					62 Vict., 30	1898
See	...	...	...	...	2 Edwd. VII., 11	1902
<b>SIGNATURES, OFFICIAL, Proof of</b>					No. 28	1906
<b>SLANDER OF WOMEN</b>					64 Vict., 36	1900
<b>SLUICING AND DREDGING FOR GOLD</b>					63 Vict., 43	1899
<b>STAMP ACT</b>					46 Vict., 6	1882
Amendments	...	...	...	...	57 Vict., 31	1893
	...	...	...	...	2 Edwd. VII., 21	1902
	...	...	...	...	No. 20	1905
	...	...	...	...	No. 7	1906
<b>STANDARD TIME</b>					59 Vict., 2	1895
<b>STATE CHILDREN</b>					No. 31	1907
<b>STATISTICS</b>					No. 3	1907
<b>STATUTORY DECLARATIONS (see "Declarations").</b>						
<b>STEAM BOILERS (see "Inspection of Machinery")</b>					No. 53	1904
<b>STOCK</b>						
Droving	...	...	...	...	2 Edwd. VII., 30	1902
Exported Horses	...	...	...	...	38 Vict., 3	1874
Imported Stock	...	...	...	...		
Diseases	...	...	...	...	59 Vict., 34	1895
	...	...	...	...	No. 12	1906
Inspection	...	...	...	...	52 Vict., 11	1888
Repeal of Duty on imported	...	...	...	...	64 Vict., 3	1900
Sheep (scab)	...	...	...	...	54 Vict., 16	1891
	...	...	...	...	56 Vict., 13	1893
	...	...	...	...	58 Vict., 27	1894
Trespass	...	...	...	...	46 Vict., 7	1882
Wild Horses	...	...	...	...	34 Vict., 24	1871
Amendments	...	...	...	...	42 Vict., 14	1878
	...	...	...	...	47 Vict., 23	1883
<b>STOCK, LOCAL INSCRIBED</b>					61 Vict., 8	1897
	...	...	...	...	62 Vict., 11	1898
	...	...	...	...	2 Edwd. VII., 18	1902
<b>STREETS, TERRACES, ETC.</b>						
Alignment of	...	...	...	...	8 Vict., 8	1844
Boundary Posts	...	...	...	...	16 Vict., 16	1852
<b>STREETS, ETC., CLOSURE OR EXTENSION OF</b>						
Albany	...	...	...	...	32 Vict., 7	1868
	...	...	...	...	64 Vict., 47	1900
	...	...	...	...	1 and 2 Edwd. VII., 12	1902
	...	...	...	...	No. 19	1904
Avon Location 28, Road N.W. of	...	...	...	...	60 Vict., 9	1896
Avon Location 188, Road S.E. of	...	...	...	...	60 Vict., 9	1896
Bayley Suburban Area	...	...	...	...	No. 19	1904
Bardoc	...	...	...	...	61 Vict., 29	1897
	...	...	...	...	62 Vict., 14	1898
Beverley	...	...	...	...	62 Vict., 14	1898
	...	...	...	...	No. 27	1906



## STREETS, ETC., CLOSURE OR EXTENSION OF—(continued).

Boulder	...	...	...	...	...	2 Edwd. VII., 23	1902
	...	...	...	...	...	No. 19	1904
	...	...	...	...	...	No. 13	1907
Bridgetown	...	...	...	...	...	61 Vict., 29	1897
Broad Arrow	...	...	...	...	...	64 Vict., 47	1900
Broome	...	...	...	...	...	No. 19	1904
	...	...	...	...	...	No. 27	1906
Buckland Hill	...	...	...	...	...	No. 16	1905
Bunbury	...	...	...	...	...	58 Vict., 31	1894
	...	...	...	...	...	61 Vict., 29	1897
	...	...	...	...	...	62 Vict., 14	1898
	...	...	...	...	...	2 Edwd. VII., 23	1902
Busselton	...	...	...	...	...	45 Vict., 14	1881
	...	...	...	...	...	58 Vict., 14	1894
	...	...	...	...	...	60 Vict., 16	1896
	...	...	...	...	...	No. 16	1905
Capel	...	...	...	...	...	63 Vict., 22	1899
Carnarvon	...	...	...	...	...	62 Vict., 14	1898
	...	...	...	...	...	No. 16	1905
Chidlow's Well	...	...	...	...	...	61 Vict., 29	1897
	...	...	...	...	...	2 Edwd. VII., 23	1902
	...	...	...	...	...	No. 16	1905
Claremont	...	...	...	...	...	No. 16	1905
Clarence	...	...	...	...	...	No. 19	1904
Collie	...	...	...	...	...	No. 19	1904
Cookernup	...	...	...	...	...	63 Vict., 22	1899
Coolgardie	...	...	...	...	...	61 Vict., 29	1897
	...	...	...	...	...	62 Vict., 14	1898
	...	...	...	...	...	63 Vict., 22	1899
Cottesloe	...	...	...	...	...	2 Edwd. VII., 23	1902
	...	...	...	...	...	2 Edwd. VII., 23	1902
Cue	...	...	...	...	...	62 Vict., 14	1898
Day Dawn	...	...	...	...	...	No. 19	1904
	...	...	...	...	...	No. 16	1905
Forrest Suburban Area	...	...	...	...	...	No. 19	1904
Fremantle	...	...	...	...	...	21 Vict., 4	1857
	...	...	...	...	...	25 Vict., 1	1861
	...	...	...	...	...	25 Vict., 14	1861
	...	...	...	...	...	41 Vict., 6	1877
	...	...	...	...	...	58 Vict., 7	1894
	...	...	...	...	...	62 Vict., 14	1898
	...	...	...	...	...	62 Vict., 33	1898
	...	...	...	...	...	63 Vict., 22	1899
	...	...	...	...	...	64 Vict., 47	1900
	...	...	...	...	...	2 Edwd. VII., 23	1902
	...	...	...	...	...	No. 19	1904
	...	...	...	...	...	No. 16	1905
Fremantle, East	...	...	...	...	...	63 Vict., 22	1899
	...	...	...	...	...	1 & 2 Edwd. VII., 12	1902
Fremantle, North	...	...	...	...	...	60 Vict., 9	1896
	...	...	...	...	...	61 Vict., 29	1897
	...	...	...	...	...	63 Vict., 22	1899
	...	...	...	...	...	64 Vict., 48	1900
	...	...	...	...	...	2 Edwd. VII., 23	1902
	...	...	...	...	...	No. 19	1904
	...	...	...	...	...	No. 16	1905
Geraldton	...	...	...	...	...	No. 13	1907
Gingin	...	...	...	...	...	63 Vict., 22	1899
Greenbushes	...	...	...	...	...	2 Edwd. VII., 23	1902
	...	...	...	...	...	No. 19	1904
Greenmount	...	...	...	...	...	60 Vict., 17	1896

## STREETS, ETC., CLOSURE OR EXTENSION OF—(continued.)

Guildford ...	...	...	...	...	50 Vict., 22	1886
...	...	...	...	...	44 Vict., 15	1881
...	...	...	...	...	34 Vict., 3	1871
...	...	...	...	...	2 Edwd. VII., 23	1902
...	...	...	...	...	No. 19	1904
...	...	...	...	...	No. 27	1906
...	...	...	...	...	No. 13	1907
Helena Vale (see "Midland Junction")	...	...	...	...	62 Vict., 14	1898
...	...	...	...	...	63 Vict., 22	1899
Kalamunda	...	...	...	...	No. 16	1905
Kalgoorlie	...	...	...	...	62 Vict., 14	1898
...	...	...	...	...	64 Vict., 47	1900
...	...	...	...	...	2 Edwd. VII., 23	1902
...	...	...	...	...	2 Edwd. VII., 23	1902
...	...	...	...	...	2 Edwd. VII., 23	1902
...	...	...	...	...	2 Edwd. VII., 23	1902
...	...	...	...	...	2 Edwd. VII., 23	1902
...	...	...	...	...	2 Edwd. VII., 23	1902
...	...	...	...	...	2 Edwd. VII., 23	1902
...	...	...	...	...	No. 19	1904
...	...	...	...	...	No. 16	1905
Kanowna	...	...	...	...	62 Vict., 14	1898
...	...	...	...	...	No. 33	1904
Katanning	...	...	...	...	64 Vict., 47	1900
...	...	...	...	...	No. 16	1905
Kelmscott	...	...	...	...	63 Vict., 22	1899
...	...	...	...	...	No. 19	1904
...	...	...	...	...	No. 13	1907
Kookynie	...	...	...	...	62 Vict., 14	1898
Lakeside	...	...	...	...	2 Edwd. VII., 23	1902
Leonora	...	...	...	...	No. 16	1905
...	...	...	...	...	No. 27	1906
...	...	...	...	...	No. 13	1907
Malcolm	...	...	...	...	1 & 2 Edwd. VII., 12	1902
Marble Bar	...	...	...	...	60 Vict., 17	1896
Meckering	...	...	...	...	No. 19	1904
Melville	...	...	...	...	No. 19	1904
Midland Junction (see "Helena Vale")	...	...	...	...	No. 16	1905
Moojebing	...	...	...	...	64 Vict., 47	1900
...	...	...	...	...	No. 16	1905
Mount Barker	...	...	...	...	1 & 2 Edwd. VII., 12	1902
Mullewa	...	...	...	...	60 Vict., 16	1896
Mundaring	...	...	...	...	No. 19	1904
...	...	...	...	...	No. 16	1905
Narrogin	...	...	...	...	63 Vict., 22	1899
...	...	...	...	...	No. 19	1904
...	...	...	...	...	No. 16	1905
Newcastle	...	...	...	...	1 & 2 Edwd. VII., 12	1902
...	...	...	...	...	2 Edwd. VII., 23	1902
...	...	...	...	...	2 Edwd. VII., 23	1902
...	...	...	...	...	2 Edwd. VII., 23	1902
Ngumballa	...	...	...	...	No. 16	1905
Niagara	...	...	...	...	1 & 2 Edwd. VII., 12	1902
...	...	...	...	...	2 Edwd. VII., 23	1902
...	...	...	...	...	2 Edwd. VII., 23	1902
Norseman	...	...	...	...	62 Vict., 14	1898
...	...	...	...	...	63 Vict., 22	1899
...	...	...	...	...	1 & 2 Edwd. VII., 12	1902
Northam	...	...	...	...	62 Vict., 14	1898
Perth	...	...	...	...	22 Vict., 8	1858
...	...	...	...	...	27 Vict., 13	1863

## STREETS, ETC., CLOSURE OR EXTENSION OF—(continued).

Perth	...	...	...	...	...	28 Vict., 9	1864
	...	...	...	...	...	39 Vict., 7	1875
	...	...	...	...	...	56 Vict., 6	1893
	...	...	...	...	...	57 Vict., 23	1893
	...	...	...	...	...	60 Vict., 9	1896
	...	...	...	...	...	60 Vict., 23	1896
	...	...	...	...	...	62 Vict., 14	1898
	...	...	...	...	...	63 Vict., 22	1899
	...	...	...	...	...	64 Vict., 47	1900
	...	...	...	...	...	No. 16	1905
	...	...	...	...	...	No. 13	1907
Pingelly	...	...	...	...	...	62 Vict., 14	1898
	...	...	...	...	...	64 Vict., 47	1900
Pinwernying	...	...	...	...	...	63 Vict., 22	1899
Southern Cross	...	...	...	...	...	64 Vict., 47	1900
	...	...	...	...	...	No. 27	1906
Subiaco	...	...	...	...	...	2 Edwd. VII., 23	1902
Toodyay	...	...	...	...	...	64 Vict., 47	1900
	...	...	...	...	...	1 & 2 Edwd. VII., 12	1902
Trafalgar	...	...	...	...	...	2 Edwd. VII., 23	1902
Victoria Park	...	...	...	...	...	64 Vict., 46	1900
Wagin	...	...	...	...	...	63 Vict., 22	1899
	...	...	...	...	...	2 Edwd. VII., 23	1902
	...	...	...	...	...	No. 16	1905
	...	...	...	...	...	No. 13	1907
Wonnerup	...	...	...	...	...	55 Vict., 26	1892
	...	...	...	...	...	62 Vict., 14	1898
Wyndham	...	...	...	...	...	62 Vict., 14	1898
Yarri	...	...	...	...	...	No. 16	1905
York	...	...	...	...	...	48 Vict., 11	1884
	...	...	...	...	...	60 Vict., 9	1896
	...	...	...	...	...	63 Vict., 22	1899
	...	...	...	...	...	2 Edwd. VII., 23	1902
SUCCESSION DUTIES	...	...	...	...	...	No. 13	1903
SUITS, CROWN	...	...	...	...	...	62 Vict., 9	1898
SUNDAY ENTERTAINMENTS	...	...	...	...	...	2 Edwd. VII., 31	1902
SUPERANNUATION (see "Pensions").							
SUPREME COURT							
Administration of Justice	3 & 4 Will. IV., c. 42, as adopted by	6 Will. IV., 4	...	...	...	39 Vict., 6	1875
	...	...	...	...	...	50 Vict., 28	1886
Court of Appeal	...	...	...	...	...	53 Vict., 15	1889
Majority of Court to prevail	...	...	...	...	...	55 Vict., 11	1892
Rules and Fees	...	...	...	...	...	2 Edwd. VII., 37	1902
Judges' Salaries	...	...	...	...	...	57 Vict., 8	1893
Criminal Appeal	...	...	...	...	...	59 Vict., 13	1895
Arbitration	...	...	...	...	...	63 Vict., 7	1899
Criminal Sittings	...	...	...	...	...	24 Vict., 15	1861
Supreme Court	...	...	...	...	...	44 Vict., 10	1880
Amendments	...	...	...	...	...	No. 10	1903
SURVEY OF MERCHANT SHIPS—Costs of	...	...	...	...	...	41 Vict., 14	1877
SURVEYORS, Licensed	...	...	...	...	...	59 Vict., 14	1895
SWAN RIVER MECHANICS' INSTITUTE	...	...	...	...	...	50 Vict., 30	1886
TARIFF	...	...	...	...	...	57 Vict., 11	1893
Amendments	...	...	...	...	...	62 Vict., 5	1898
	...	...	...	...	...	64 Vict., 3	1900

## TARIFF—(continued).

Pearl Shells	...	...	...	...	50 Vict., 7	1886
	...	...	...	...	53 Vict., 9	1889
	...	...	...	...	59 Vict., 1	1895
Repeal of Duties on certain Materials and Merchandise	...	...	...	...	59 Vict., 8	1895
	...	...	...	...	60 Vict., 13	1896
Unmanufactured Tobacco...	...	...	...	...	60 Vict., 14	1896
See also	...	...	...	...	1 Edwd. VII., 3	1901
TELEGRAPHIC MESSAGES						
Evidence	...	...	...	...	No. 28	1906
TELEGRAPHS AND TELEPHONES	...	...	...	...	57 Vict., 5	1893
THEATRE REFRESHMENT ROOMS (see "Licensing Laws").						
THURSDAY ISLAND (Federal Reference Act)	...	...	...	...	50 Vict., 29	1886
TOLLS from Wharves, etc.	...	...	...	...	14 Vict., 7	1850
TOTALISATOR	...	...	...	...	47 Vict., 26	1883
Amendment	...	...	...	...	63 Vict., 32	1899
Duties on takings	...	...	...	...	No. 19	1905
TOWNS						
Boundaries within	...	...	...	...	8 Vict., 8	1844
	...	...	...	...	8 Vict., 9	1844
	...	...	...	...	16 Vict., 16	1853
	...	...	...	...	48 Vict., 13	1884
Improvement of	...	...	...	...	14 Vict., 15	1850
Lands in, resumed by Crown	...	...	...	...	17 Vict., 6	1854
TRADE MARKS						
Fraudulent	...	...	...	...	52 Vict., 6	1888
Registration	...	...	...	...	48 Vict., 7	1884
Amendment	...	...	...	...	50 Vict., 5	1886
	...	...	...	...	58 Vict., 4	1894
TRADE UNIONS	...	...	...	...	1 & 2 Edwd. VII., 19	1902
TRADING STAMPS ABOLITION	...	...	...	...	1 & 2 Edwd. VII., 30	1902
TRAMWAYS	...	...	...	...	49 Vict., 23	1885
Amendments	...	...	...	...	No. 12	1903
	...	...	...	...	No. 30	1904
Ashburton	...	...	...	...	2 Edwd. VII., 27	1902
Boulder	...	...	...	...	No. 2	1904
Broome	...	...	...	...	2 Edwd. VII., 25	1902
Carnarvon to Babbage Island	...	...	...	...	1 & 2 Edwd. VII., 13	1902
Cossack-Roebourne	...	...	...	...	50 Vict., 4	1886
Derby	...	...	...	...	2 Edwd. VII., 26	1902
Fremantle	...	...	...	...	64 Vict., 44	1900
Fremantle	...	...	...	...	(Private)	1903
Fremantle Harbour Works and Tramways	...	...	...	...	56 Vict., 16	1893
Kalgoorlie	...	...	...	...	64 Vict., 43	1900
Confirmation	...	...	...	...	1 & 2 Edwd. VII., 10	1902
	...	...	...	...	No. 5	1904
Kalgoorlie Roads Board District	...	...	...	...	64 Vict., 45	1900
Leederville	...	...	...	...	64 Vict., 42	1900
Leonora	...	...	...	...	2 Edwd. VII., 28	1902
Nedlands Park	...	...	...	...	No. 30	1907
North Fremantle Municipal	...	...	...	...	No. 25	1907
North Perth Confirmation	...	...	...	...	1 & 2 Edwd. VII., 26	1902
	...	...	...	...	No. 46	1904
Perth	...	...	...	...	61 Vict., 30	1897
Amendments	...	...	...	...	63 Vict., 42	1899
	...	...	...	...	2 Edwd. VII., 38	1902
	...	...	...	...	No. 43	1904
	...	...	...	...	No. 34	1906
Subiaco	...	...	...	...	63 Vict., 27	1899
Victoria Park	...	...	...	...	No. 50	1904

TRANS-AUSTRALIAN RAILWAY ENABLING	...	...	No. 4	1903
TRANSFER OF LAND ACT	...	...	56 Vict., 14	1893
Amendments	...	...	60 Vict., 22	1896
	...	...	2 Edwd. VII., 10	1902
TREASURY BILLS	...	...	57 Vict., 2	1893
Amendment	...	...	61 Vict., 1	1897
TRESPASS				
on Crown Lands	...	...	62 Vict., 37	1898
(and see "Guano," "Sandalwood").				
by Stock	...	...	46 Vict., 7	1882
Amendment	...	...	48 Vict., 16	1884
TRUCK ACT	...	...	63 Vict., 15	1899
Amendments	...	...	64 Vict., 9	1900
	...	...	No. 38	1904
TRUSTEES	...	...	64 Vict., 17	1900
For Public Purposes, Exchange by...	...	...	16 Vict., 17	1853
and Mortgagees	...	...	17 Vict., 10	1854
22 & 23 Vict., c. 35, and 23 & 24 Vict., c.c. 38, 145, as adopted by	...	...	31 Vict., 8	1867
of certain Public Bodies, Mortgages by	...	...	56 Vict., 7	1893
Executor and Agency Company, Limited	...	...	56 Vict. (Private)	1893
TRUST FUNDS, Investment of	...	...	64 Vict., 12	1900
TURF CLUB, Western Australia	...	...	55 Vict. (Private)	1892
UNIFORMS (see "Naval," "Military").				
UNIONS, TRADE	...	...	1 & 2 Edwd. VII. 19	1902
UNIVERSITY ENDOWMENT	...	...	No. 6	1904
USURY	...	...	30 Vict., 1	1866
VACCINATION	...	...	42 Vict., 13	1878
VICTORIA PARK, Validation of Rates	...	...	No. 8	1904
VINES (see "Destructive Insects").				
VOLUNTEER FORCE (see "Military").				
WAGES (see "Master and Servant").				
WAGES OF WORKMEN, Payment of	...	...	62 Vict., 35	1898
Amendments	...	...	63 Vict., 15	1899
	...	...	64 Vict., 9	1900
WARRANTS OF GOODS, Indorsement	...	...	62 Vict., 3	1898
WATER BOARDS	...	...	No. 4	1904
WATER RESERVES	...	...	57 Vict., 20	1893
WATER SUPPLY				
Coolgardie Goldfields	...	...	62 Vict., 19	1898
Re-allocation	...	...	1 & 2 Edwd., VII., 11	1902
• Crown Lands	...	...	57 Vict., 20	1893
Fremantle	...	...	63 Vict., 53	1899
Goldfields	...	...	2 Edwd. VII., 33	1902
(see also Public Works Act)	...	...	2 Edwd. VII., 47	1902
Metropolitan	...	...	60 Vict., 19	1896
Amendments	...	...	62 Vict., 22	1898
	...	...	63 Vict., 34	1899
	...	...	1 & 2 Edwd. VII., 27	1902
	...	...	No. 31	1904
	...	...	No. 5	1905
	...	...	No. 25	1905
Municipalities	...	...	55 Vict., 37	1892
Peppermint Grove, Cottesloe, and Buckland Hill	...	...	63 Vict. (Private)	1899
Waterworks	...	...	53 Vict., 13	1889
WEEDS, NOXIOUS	...	...	No. 45	1904

WEIGHTS AND MEASURES	...	...	...	...	...	63 Vict., 11	1899
WEST AUSTRALIAN TRUSTEE, EXECUTOR, AND AGENCY Co., Ltd.	...	...	...	...	...	56 Vict. (Private)	1893
WESTERN AUSTRALIAN BANK	...	...	...	...	...	...	...
Continuation of Corporation and Extension of Powers	...	...	...	...	...	60 Vict. (Private)	1896
WIDTH OF TIRES	...	...	...	...	...	59 Vict., 39	1895
WHALING, ETC., BY FOREIGNERS	...	...	...	...	...	24 Vict., 12	1860
WHARVES (see "Jetties").	...	...	...	...	...	...	...
WHEEL TIRES, Apportioning width of	...	...	...	...	...	59 Vict., 39	1895
WHIPPING (see "Criminal Code").	...	...	...	...	...	...	...
Regulation of, in prisons	...	...	...	...	...	48 Vict., 5	1884
WILD CATTLE AND HORSES	...	...	...	...	...	34 Vict., 24	1871
	...	...	...	...	...	42 Vict., 14	1878
	...	...	...	...	...	47 Vict., 23	1883
WILLS	...	...	...	...	...	7 Will. IV., and 1 Vict., c. 26, as adopted by	2 Vict., 1
Amendment	...	...	...	...	...	18 Vict., 13	1855
Construction of	...	...	...	...	...	34 Vict., 1	1871
Registration of	...	...	...	...	...	19 Vict., 14	1856
Unproved (Federal Reference)	...	...	...	...	...	53 Vict., 20	1889
WINES, BEER, AND SPIRITS (see "Licensing").	...	...	...	...	...	...	...
WOMEN, Slander of	...	...	...	...	...	64 Vict., 36	1900
WORKERS' COMPENSATION	...	...	...	...	...	1 & 2 Edwd. VII., 5	1902
WORKMEN'S WAGES	...	...	...	...	...	62 Vict., 35	1898
Truck Act	...	...	...	...	...	63 Vict., 15	1899
Amendment	...	...	...	...	...	64 Vict., 9	1900
WORKS, Public	...	...	...	...	...	2 Edwd. VII., 47	1902
Amendment	...	...	...	...	...	No. 8	1906
WRECKS	...	...	...	...	...	28 Vict., 2	1864
Amendments	...	...	...	...	...	35 Vict., 11	1871
	...	...	...	...	...	40 Vict., 4	1876
(Foreign)	...	...	...	...	...	51 Vict., 6	1887
	...	...	...	...	...	53 Vict., 18	1889
ZOOLOGICAL GARDENS	...	...	...	...	...	62 Vict., 32	1898



# IMPERIAL ACTS OF PARLIAMENT ADOPTED AND UNREPEALED.

IMPERIAL ACTS.		ADOPTED BY
11 Geo. iv. & 1 W. } iv. c. 40. }	As to undisposed of Residues of Testators' Effects }	6 W., iv., No. 4
11 Geo. iv. & 1 W. } iv. c. 47. }	For facilitating the payment of Debts out of Real Estate ... }	"
11 Geo. iv. & 1 W. } iv. c. 65. }	As to Property of Infants, <i>Femes-covert</i> , Idiots, and Lunatics ... }	"
1 & 2 W. iv. c. 4 ...	Abolishing Oaths and Affirmations in the Customs and Excise, etc., and substituting Declarations in lieu ... }	"
2 & 3 W. iv. c. 71 ...	For shortening the time of Prescription in certain cases ... }	"
2 & 3 W. iv. c. 98 ...	For regulating the protesting for Non-payment of Bills of Exchange in certain cases ... }	"
3 & 4 W. iv. c. 27 ...	Limitations of Actions and Suits relating to Real Property, etc. (See 42 Vict., No. 6) ... }	"
3 & 4 W. iv. c. 42 ...	For further Amendment of the Law, and the better Advancement of Justice. (Amended, by 59 Vict., No. 13) ... }	"
3 & 4 W. iv. c. 49 ...	Allowing Quakers and Moravians to make Affirmation ... }	7 V. 13
4 & 5 W. iv. c. 23 ...	Amendment of the Law as to the Escheat and Forfeiture of Property held in Trust ... }	"
4 & 5 W. iv. c. 26 ...	To abolish the Practice of Hanging in Chains. (See 2 only, repealed by 29 Vict., 5) ... }	"
5 & 6 W. iv. c. 41 ...	To amend the Law relating to Securities given for Considerations arising out of gaming, usurious, and other Illegal Transactions ... }	"
5 & 6 W. iv. c. 54 ...	To render certain Marriages Valid, and to alter the Law as to certain voidable Marriages ... }	"
5 & 6 W. iv. c. 81 ...	For abolishing Capital Punishment in cases of Letter Stealing and Sacrilege. ( <i>Part repealed</i> by 29 Vict., 5) ... }	"
6 & 7 W. iv. c. 4 ...	To amend the above Act as to Letter Stealing, etc. ( <i>Part repealed</i> by 29 Vict., 5) ... }	"
6 & 7 W. iv. c. 58 ...	As to Presentment for Payment of dishonoured Bills of Exchange ... }	"
1 V. c. 26 ...	Amendment of the Laws with respect to Wills ...	2 V. 1
1 V. c. 84 ...	To abolish the Punishment of Death in certain Cases of Forgery. ( <i>Parts of</i> ss. 1, 2, & 3 <i>repealed</i> by 29 Vict., 5) ... }	"
1 V. c. 90 ...	To amend the Laws relative to Offences punishable by Transportation for Life. ( <i>Repealed</i> , except s. 5, by 29 Vict., 5) ... }	"
1 V. c. 91 ...	For abolishing the Punishment of Death in certain Cases ... }	"



IMPERIAL ACTS.	ADOPTED BY
1 & 2 V. c. 74. To facilitate the recovery of Possession of Tenements after due Determination of the Tenancy ... }	7 V. 13.
1 & 2 V. c. 77. For permitting Affirmation to be made instead of an Oath in certain cases ... }	"
1 & 2 V. c. 105. To remove doubts as to Validity of Certain Oaths ...	"
1 & 2 V. c. 110. } Judgments, Decrees, and Orders ...	31 V. 8.
3 & 4 V. c. 82. }	
2 & 3 V. c. 11. For the better Protection of Purchasers against Judgments, Crown Debts, <i>Lis Pendens</i> and <i>Fiats</i> in Bankruptcy ... }	"
2 & 3 V. c. 54. To amend the Law relating to the Custody of Infants ...	7 V. 13.
2 & 3 V. c. 60. Extending the provision of 1 W. iv., c. 57, for facilitating the Payment of Debts out of Real Estate ... }	"
5 & 6 V. c. 39. To amend the Law relating to Advances <i>bonâ fide</i> made to Agents intrusted with goods (s. 6 repealed by 29 Vict., 5, s. 5) ... }	"
5 & 6 V. c. 69. For perpetuating Testimony in certain cases ...	"
6 & 7 V. c. 96. Law of Libel ...	10 V. 8.
7 & 8 V. c. 62. To amend the Law as to Burning Farm Buildings ...	12 V. 21.
8 & 9 V. c. 106. The amend the Law of Real Property ...	"
8 & 9 V. c. 119. To facilitate the Conveyance of Real Property ...	"
8 & 9 V. c. 124. As to granting certain Leases ...	"
9 & 10 V. c. 62. To abolish Deodands ...	"
9 & 10 V. c. 93. Compensation for Death through Negligence ...	"
17 & 18 V. c. 113. Amending Law relating to Administrations (amended by 34 Vict., No. 1) ... }	31 V. 8.
18 & 19 V. c. 15. Protection of Purchasers against Judgments, etc. ( <i>Repealed in part, see 34 Vict., 21, 1871</i> ) ... }	
18 & 19 V. c. 111. To amend Laws relating to Bills of Lading ...	20 V. 7.
19 & 20 V. c. 97. An Act to amend the Laws of England and Ireland affecting Trade and Commerce. (Amended by 59 Vict., Nos. 23 and 41) ... }	31 V. 8.
21 & 22 V. c. 93. An Act to enable Persons to establish Legitimacy and the Validity of Marriages, and the right to be deemed natural born subjects ... }	
22 & 23 V. c. 35. An Act to further amend the Law of Property and to relieve Trustees ... }	"
23 & 24 V. c. 38. An Act to further amend the Law of Property ...	"
23 & 24 V. c. 145. An Act to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills ... }	"
33 & 34 V. c. 23. An Act to abolish Forfeitures for Treason and Felony, and to otherwise amend the Law relating thereto ... }	37 V. 8.
Masters and Apprentices—all the Laws in force in England on 1st January, 1873, relating to ... }	37 V. 12.
48 & 49 V. c. 60. Federal Council of Australasia ...	49 V. 24.







